

URBAN / MUNICIPAL

CA4 ON HBL AOS
CSIP4

March -
April
1988

CITY OF HAMILTON

PLANNING AND DEVELOPMENT
COMMITTEE



E. A. SIMPSON
CITY CLERK

K. E. AVERY
DEPUTY CITY CLERK

CITY HALL
HAMILTON, ONTARIO
L8N 3T4

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

1988 March 03

CA4 ON HBL AOS
CSIP4
1988
PT-A

NOTICE OF MEETING

Planning and Development Committee
Wednesday, 1988 March 9th
2:00 o'clock p.m.
Room 233, City Hall

Susan K. Reeder

Mrs. Susan K. Reeder
Acting Secretary

A G E N D A

DELEGATIONS

- A. 2:00 o'clock p.m. Possible alternatives for the use of West Avenue School.
1. Minutes of the meeting held Wednesday, 1988 February 24th.
(copy to follow.)

ALDERMAN D. ROSS

2. Day Nurseries. (report from Alderman Ross to follow.)

ALDERMAN B. HINKLEY

3. Community Task Force to review the mandate and structure of The Hamilton Harbour Commission.

BUILDING COMMISSIONER

4. Demolition Permit Applications.

DIRECTOR OF COMMUNITY DEVELOPMENT

5. (a) Application - Commercial Facade Loan Programme.
(b) Authorization to hold a special meeting - Ordering of lighting and Hamilton Street Railway Poles - Downtown Hamilton Action Plan, Phase V James Street North.

CITY SOLICITOR

6. Payment of Account - Weir & Foulds.

ENGINEERING COMMISSIONER

7. (a) Cash payments in lieu of 5% Parkland Dedication.
(i) Dicenzo Gardens - Phase 2.
(ii) Hillside Terrace - Phase 4.
(iii) Bayview Glen Estates - Phase 2.

DIRECTOR OF LOCAL PLANNING

8. (a) Subdivision Application 87-27 - Bar-Brock Enterprises Limited, owner, property on the north side of Rymal Road and east of Eleanor Avenue.
(b) Terms of Reference - Central Business District Study.
(c) Site Plan Control Application DA88-06, Appleridge Co-Operative Homes Inc., owner, lands known as 615 Stone Church Road East.
(d) Review of Development Permit Applications to the Niagara Escarpment Commission.
(i) 748 Scenic Drive.
(ii) 20 Pritchard Road.

ZONING APPLICATIONS

PUBLIC MEETINGS

COUNCIL MEMBERS

3:00 o'clock p.m.

9. Zoning Application 87-120, J. Banek, owner, for property at 42 Beland Avenue South.

 (a) Letter of submission - Mr. & Mrs. Vinken, 47 Beland Avenue South.
10. Zoning Application 87-134, Sisters of St. Joseph of the Diocese of Hamilton, prospective owner, property located at the rear of 149 Nash Road South.
11. Zoning Application 87-136, Chrysler Canada Limited, Lessee, for property on the east side of Upper James Street in the area south of Rymal Road East.

3:15 o'clock p.m.

12. Zoning Application 87-132 and Site Plan Control Application DA87-121, Wentworth Condominium Corporation No. 46, owner, for property at 222 Jackson Street West.

3:30 o'clock p.m.

13. Requested unopened road allowance closure between 41 and 49 Owen Place, Greenford Neighbourhood.
14. Cul-de-sac - Proposed Approved Plan, Kennedy East Neighbourhood.
15. Other Business.
16. Adjournment.



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A.

FOR ACTION

REPORT TO: SUSAN REEDER, ACTING SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: March 3, 1988
COMM FILE:
DEPT. FILE:

SUBJECT

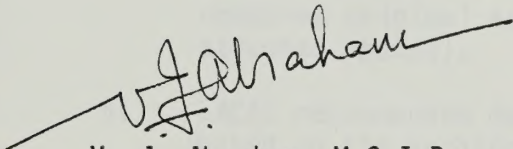
West Avenue School.

RECOMMENDATION

That demolition of the West Avenue School be denied.

That the Planning and Development Department be directed to initiate appropriate zoning for the property.

That the Executive Committee be requested to review and decide on the future use of the property, including interim uses.


V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

BACKGROUND

1. Current Status

Planning and Development Committee approved on September 16, 1987 the following:

"That the Director of Property hold off demolition of West Avenue School, located at West Avenue and Barton Street East; for a 90 day period.

Note: This 90 day delay period will allow for a recircularization of the area residents with respect to their views on the use of the building and property. It will also give LACAC the opportunity to investigate alternative uses for this original 1885 school building."

The City bought the West Avenue School in the Fall of 1987 for the purpose of making it a parking lot.

2. Uses

The following possible uses have been identified. Note: there has been no advertising about the availability of the school building.

1. Premises for Theatre Aquarius (letter of request attached).
2. Day Care Centre and offices (proponent, Carl Kopriva, developer).
3. Residential care facility (proponent, Jim Gates, Developer).
4. Co-operative Housing (proponent, West Hills Co-Operative Homes).
5. Health-related Community Services Centre - office space.

The following organizations have indicated interest. Further investigation is needed to determine feasibility of the concept.

Stroke Recovery Association
Multiple Sclerosis Society
Canadian Paraplegic Association
Suicide Prevention
Council on Family Violence
Canadian Diabetes Association
Epilepsy Foundation
Association for Bright Children
The Lung Association
Resource Centre for the Hearing Impaired

6. Museum - Hamilton Children's Museum. Letter indicating interest in reviewing potential of building attached.

3. Architectural Value

Site:

Size 145' x 195' = 28,275 square feet
Location opposite Hamilton General Hospital
Location on east side of alley
Location on bus route
Parking
Playground

Exterior:

Size: Two storey classroom building = 14,280 square feet plus basement and attic.
Auditorium = 2,472 square feet
Sound structure (see letter from Architect, Trevor Garwood-Jones)
4 Entrances

Interior:

12 large classrooms (approximately 30 x 30 feet) with high ceilings and large windows
Wide central hallways
2 wide stairways (one with fire doors)
Auditorium with stage and gym equipment
Kitchen and washroom facilities
Offices, storage

Significance:

1. Listed on the Hamilton Inventory of Architecturally and Historically Significant Buildings
2. One of four remaining Victorian schoolhouses left in Hamilton (Central Public, Stinson, Wentworth and West Ave.) (Six Victorian schoolhouses have been demolished since the 1960's:
Benetto, Cannon Street, Hess Street, Queen Victoria Ryerson and Strathcona.
3. The school is local landmark important to the streetscapes of both Barton Street and West Avenue.
4. Original architectural design by Lucien Hills was a distinguished Victorian-styled schoolhouse with a picturesque central bell tower. Later additions have obscured original appearance of West Ave. School (See attached photos).
5. LACAC recommended designation of the West Avenue School based on its architectural and historical significance at the P&D meeting on September 16, 1987.
6. Architect Anthony Butler identified the importance of the building at January 20, 1988 West Avenue School meeting.

Operating Costs (1985 Figures from Board of Education)

Heating (oil)	\$10,427.43
Hydro	1,954.61
Water	662.47

4. Planning information

Zoning - Present zoning (1987) "G-3" Public Parking Lot
Previous zoning (1985) "H" Community Shopping and Commercial, etc. allowing public parking, medical facilities and theatre facilities plus "D" residential
Zoning before 1985 - "H" and "D" commercial and residential

Official Plan designates site as commercial.

Also provides for the preservation of buildings of architectural and historic significance where feasible.

Landsdale Neighbourhood Plan redesignated site from
"Institutional" to "Commercial" on April 14, 1987

Site:

The corner schoolhouse serves as a buffer between the residential neighbourhood of West Avenue and the heavy traffic route of Barton Street.

Parking:

Property size 145 ft. x 195 ft. approximately 28,275 square feet.

Classroom ground floor = 7,140

Auditorium 2,472

9,612

Building occupies approximately 1/3 of the lot.

Access from Barton Street, West Avenue and alleyway to west.

COMMENTS

The investigation into the potential of West Avenue School has identified the following assets:

- o the location on Barton Street, opposite the Hamilton General Hospital, on a bus route, in a commercial area, with access from a laneway;
- o the ability to be adopted to a number of uses;
- o the number of interested parties (with no advertising) namely, theatre facilities, office and day care, residential care facility, co-operative housing, health-related community services centre, museum.
- o the structural soundness, size and adaptability of building (approximately 17,000 sq. ft.);
- o the added specialized facility of the auditorium/gym;
- o the operable condition of the building--heating, water, washrooms, hydro, etc., in working order; (Salvation Army used the building in December and January.)
- o the architectural and historical significance as a Listed Building and local landmark, one of four remaining Victorian schoolhouses in Hamilton, and in use as a school for 100 years.
- o planning aspects as;
 - a buffer between residential neighbourhood and Barton Street;
 - potential for on-site parking.

For the above reasons, the Department recommends retention of the building.

N.C.:nd:CS

W.P. DOC. 0111P

February 17, 1988

Mr. Dan Vyce
Director of Property
Real Estate Department
Hamilton City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

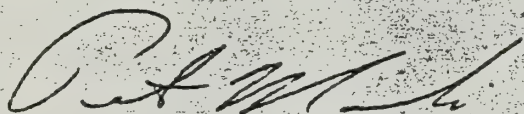
Dear Dan:

Enclosed is a copy of a letter which I have sent to
Alderman Reg Wheeler regarding West Avenue School.

As I told you on the phone, we are faced with a
serious housing crisis, and hopefully the City can
be of assistance.

Thank you for your help in looking at the building.

Yours sincerely,



Peter Mandia
Executive & Artistic Director
THEATRE AQUARIUS, INC.

REAL ESTATE DEPARTMENT.

Date

Feb 19/88

File No.	50.20.53.	INT.	INFO.	ACT
<input checked="" type="checkbox"/>	DIRECTOR		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	ASSIST. DIR.			
	CHIEF APPRAISER			
	PROP. CONST. OFFICER			
	RENTAL AGENT			
	PROPERTY OFFICER			
	SECRETARY			

Gym - 3200 \$

SCHOOL - 16,300 \$

EXECUTIVE &
ARTISTIC DIRECTOR

PETER MANDIA

PRODUCTION MANAGER/
STAGE MANAGER
STEPHEN NEWMAN



BOARD OF DIRECTORS

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J. BRYAN McKNIGHT
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STREET WEST
HAMILTON, ONTARIO
L8L 1B3
BOX OFFICE
416-522-7529
ADMINISTRATION
416-522-7815



Theatre
Aquarius

MEMORANDUM • CITY OF HAMILTON

TO : Ms. N. Chapple
Architectural Historian
Planning Department

YOUR FILE:

FROM : Mrs. M. Havelka, Manager
Heritage Services

OUR FILE : Children's Museum
-Administration

SUBJECT : West Avenue School

DATE : February 3, 1988

The Children's Museum has outgrown its present facility. In order to address this need, a Terms of Reference was prepared and will be going in final form to the Historical Board. The consultant will be asked to look at West Avenue School as an option.

On 12 January 1988, Marjorie Johnston-Denton, Alderman Wheeler, and I, did have a tour of the facility and would like to keep it open as one of our options. However, a consultant's review would be imperative so that access, suitability, marketability, and potential for future growth can be addressed.

Further to our conversation, I would appreciate knowing of any other available buildings and information concerning West Avenue School.

I have enclosed a copy of the Terms of Reference for your information.



MH/bs

Attachment



Trevor P. Garwood-Jones

Architects

The Cooperage 185 Young St Hamilton Ontario L8N1V9 528-0468

August 11, 1987

To whom it may concern:

Re: West Avenue School

We have inspected the above school and it appears to be structurally sound. Our inspection was confined to a visual inspection only.

The structure would be adequate for office, institutional or residential use.

Yours very truly,

Trevor P. Garwood-Jones
TPGJ/vh

Associates

Joseph Bolf, MAATO
Fred Vermeulen, B.Arch., MRAIC., OAA.
Ross Hanham, B.L.Arch.

ESTABLISHED 1850

HAMILTON GENERAL HOSPITAL
BARTON STREET EAST
HAMILTON, ONTARIO L8L 2X2
TEL. 527-0271



HAMILTON

CIVIC

HOSPITALS

HAMILTON, ONTARIO

HENDERSON GENERAL HOSPITAL
CONCESSION STREET
HAMILTON, ONTARIO L8V 1C3
TEL. 389-4411

August 11, 1987

Mrs. D. Dent
Chairperson, LACAC
City Hall
71 Main St. W.
Hamilton, Ontario
L8N 3T4

Dear Mrs. Dent:

Re: Parking Requirements - Hamilton General Hospital

I am writing on behalf of the Hamilton Civic Hospitals, confirming my conversation with Mr. A. Butler on August 7, 1987.

The Hamilton Civic Hospitals do not anticipate the need for additional parking space at the site of the Hamilton General Hospital at 237 Barton Street East for the foreseeable future.

The parking squeeze we were previously experiencing has been alleviated through the acquisition in early 1986 of 3.61 acres of property formerly owned by Stelco at 334 Wellington Street North, which we have developed primarily for parking purposes.

If you wish to discuss the matter further, please feel free to contact me.

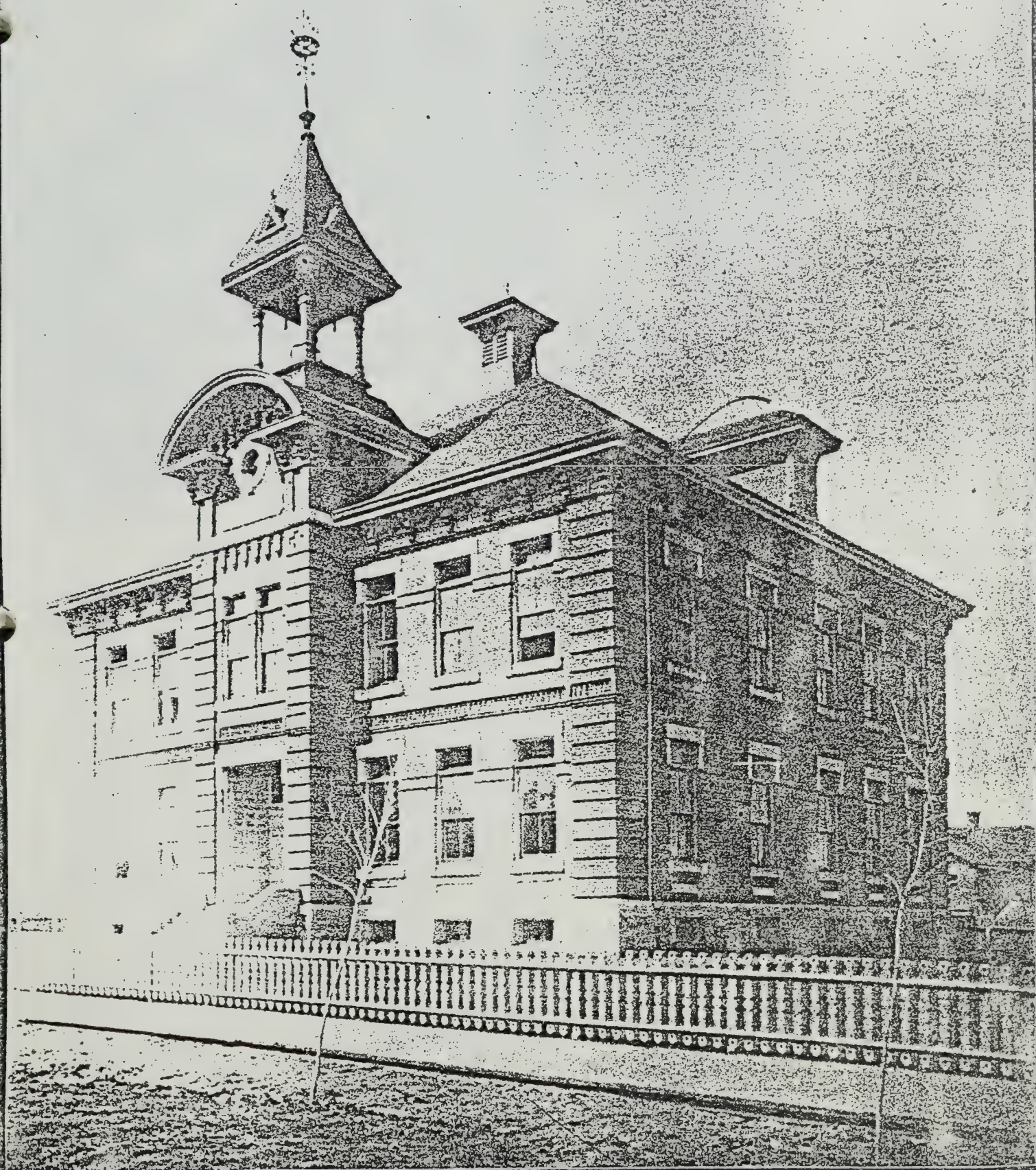
Yours truly,

A handwritten signature in cursive script, reading "Colleen Geiger".

Colleen Geiger
Director - Special Projects

/jb

cc: Mr. T. Butler
Mr. D.J. Watts
Dr. W.E. Noonan

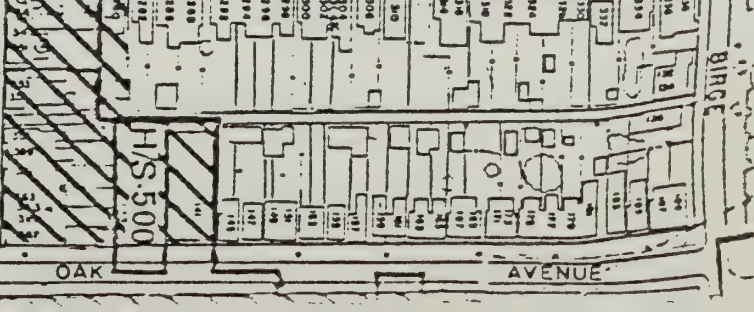
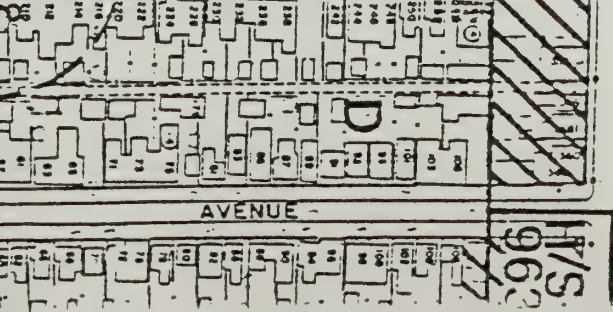
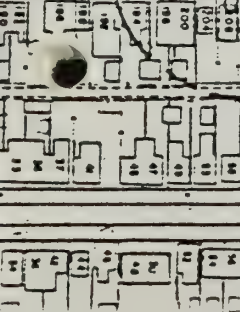
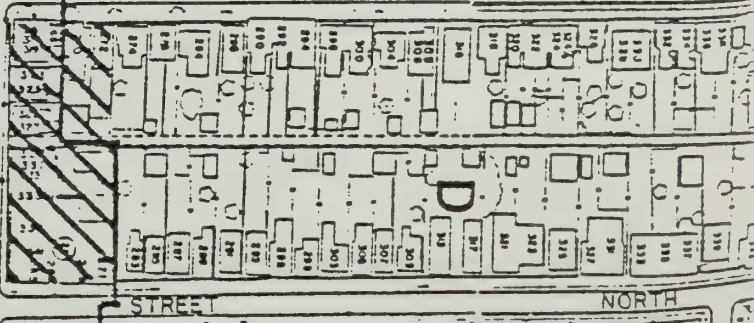
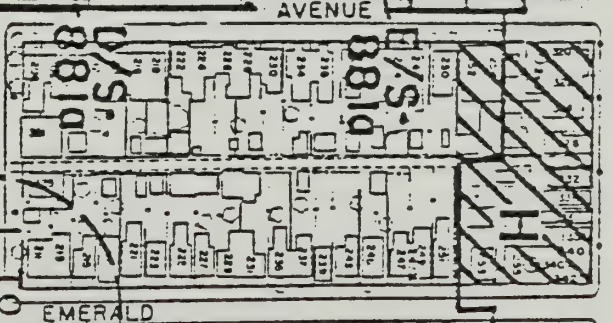
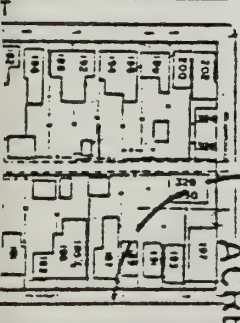
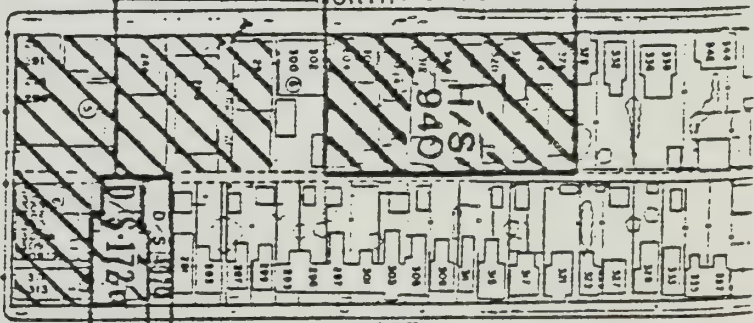
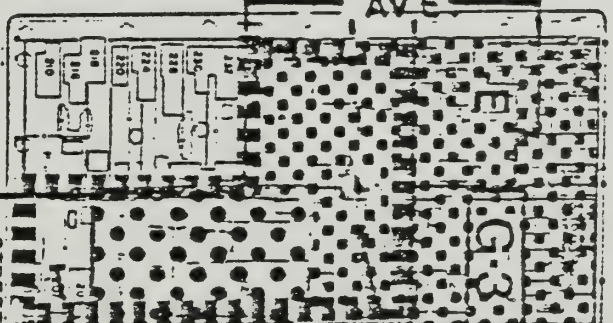
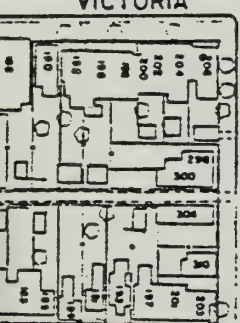
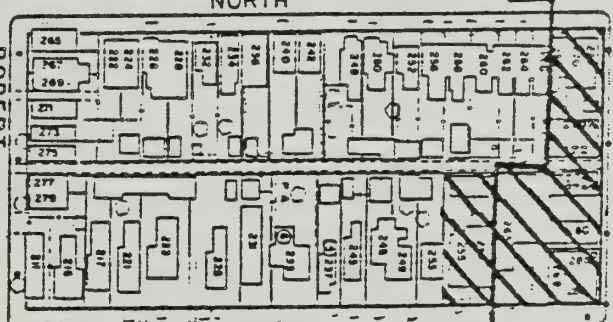
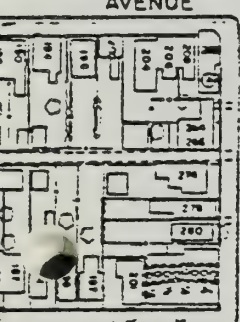
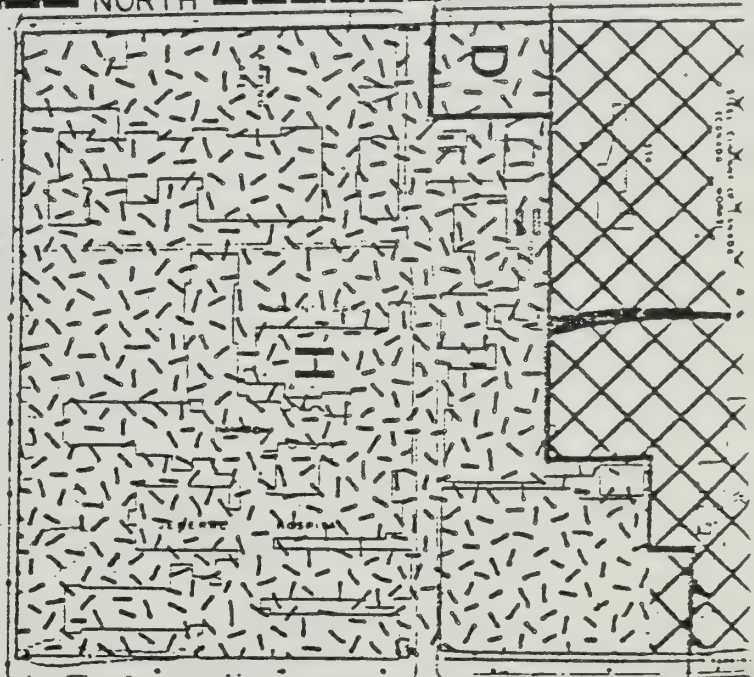
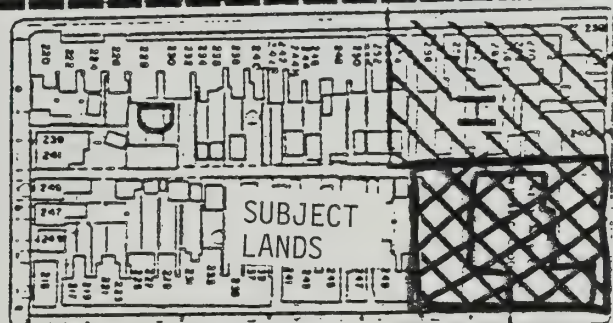
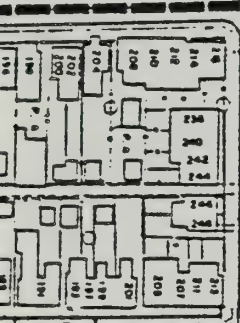
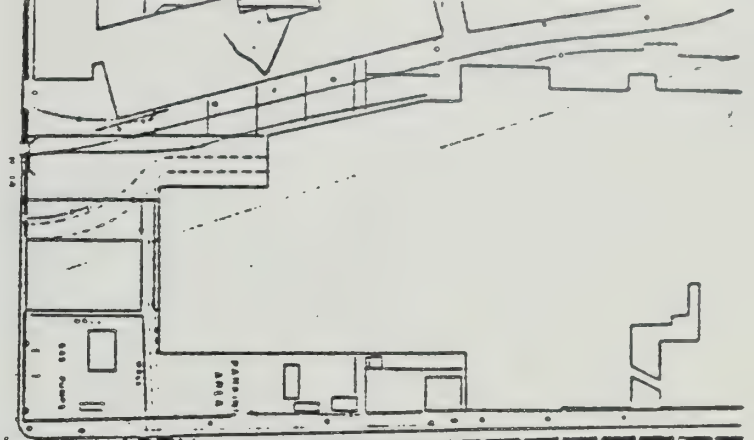
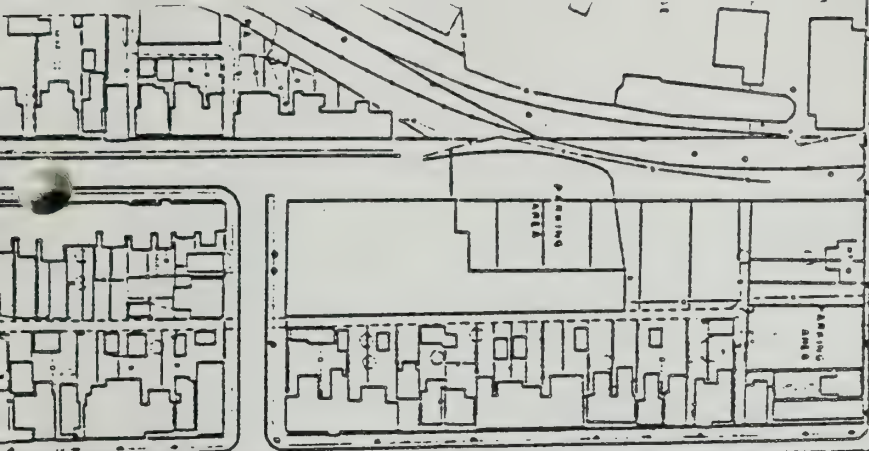


West Avenue School

1888

PHOTOGRAPHER: WILLIAM FARMER





Wednesday, 1988 February 24
2:00 o'clock p.m.
Room 233, City Hall

The Planning and Development Committee met:

There were present: Alderman J. Smith, Chairman
Mayor Robert M. Morrow
Alderman T. Cooke
Alderman D. Christopherson
Alderman D. Agostino
Alderman W. McCulloch
Alderman B. Hinkley
Alderman H. Merling

Regrets: Alderman D. Ross, Vice-Chairman

Also present: Alderman J. Gallagher
Alderman T. Murray
Mr. V. Abraham, Director of Local Planning
Ms. V. Grupe, Planning Department
Mr. L. King, Building Department
Mr. B. Allick, Building Department
Mr. R. Karl, Traffic Department
Mr. Y. Schwarz, Regional Planning Department
Mr. K. Brenner, Regional Engineering Department
Mr. J. Zipay, Planning Department
Mrs. S. K. Reeder, Acting Secretary

The Committee was in receipt of the minutes of their meetings held Wednesday, 1988 February 10th and Wednesday, 1988 January 27th and agreed to ADOPT these minutes.

Minutes - 1988
February 10 &
1988 January 27.

The Chairman spoke to the Committee on their preference for continuing to use of the City Hall Council Chambers for the purpose of hearing Zoning Applications. The Committee AGREED that they would continue to hold the Zoning Application Public meeting portion of their Agenda in the City Hall Council Chambers.

Use of Council
Chambers.

The Chairman also spoke to the Committee on the possibility of having a telephone installed in the Council Chambers at the Clerk's table for use during Committee meetings.

Telephone in the
Council Chambers.

The Committee then agreed to APPROVE the following:

That the Legislation Committee be requested to investigate the feasibility of installing a telephone at the Clerk's table in the City Hall Council Chambers.

NOTE: During sessions of the Planning and Development Committee meeting, it is often necessary to relay messages to other Departments. A telephone line which would have a flashing light signal, as opposed to a ringing signal, and be portably placed in the Council Chambers and during other times left in the safekeeping of the City Clerk, would greatly facilitate the workings of meetings being held in the Council Chambers.

The Committee was in receipt of correspondence forwarded to them from the Mayor from the Ministry of Housing respecting an upcoming seminar. The Committee agreed to RECEIVE this correspondence.

Correspondence -
Ministry of Housing
re: Seminar.

The Committee was in receipt of a report from the Building Commissioner dated 1988, February 17th respecting demolition permit applications.

Demolition Permit
Applications.

The Committee agreed to APPROVE the following recommendation:

That the Building Commissioner be authorized to issue demolition permits for the demolition of the following residential buildings:

- (a) 14 Adair Street North
- (b) 13 Land Street
- (c) 356 Birch Avenue

Hamilton
Rehabilitation
Programme -
Registration of
Loan on Tax Rolls.

The Committee was in receipt of a Private and Confidential report from the Director of Community Development dated 1988 February 17th respecting the Hamilton Rehabilitation Programme - Registration of a Loan on Tax Rolls.

The Committee agreed to APPROVE the following recommendation:

That the total outstanding H.A.R.P. loan for Mr. and Mrs. John Deeley, 18 East 24th Street in the amount of \$5,927.06 be placed on the Tax Rolls.

Ontario Home
Renewal Programme -
Registration of
Loan on Tax Rolls.

The Committee was in receipt of a Private and Confidential report from the Director of Community Development respecting the Ontario Home Renewal Programme - Registration of Loan on Tax Rolls.

The Committee APPROVED the following recommendation:

That the total outstanding O.H.R.P. loan for Mrs. Mary Leeming, 147 Rosslyn North, in the amount of \$1,680.71 be placed on the Tax Rolls.

Community
Improvement Plan -
Crown Point West/
Stipeley
P.R.I.D.E.

The Committee was in receipt of a report from the Director of Community Development dated 1988 February 18th respecting the Community Improvement Plan for the Crown Point West/Stipeley Programme for Renewal, Improvement, Development and Economic Revitalization (P.R.I.D.E.).

The Committee APPROVED the following:

- (a) That the Community Improvement Plan for the Crown Point West/Stipeley Neighbourhood, be APPROVED in order to implement the Programme for Renewal, Improvement, Development and Economic Revitalization (P.R.I.D.E.); and,
- (b) That, the City Solicitor be hereby authorized and directed to prepare the requisite by-law; and,
- (c) That, the City Solicitor be hereby authorized to submit to the Provincial Ministry of Municipal Affairs, the Community Improvement Plan for the Crown Point West/Stipeley Neighbourhood for their approval; and
- (d) That, the Mayor and City Clerk be hereby authorized to sign and execute, on behalf of the City Corporation, the Provincial-Municipal Agreement pursuant to which the P.R.I.D.E. will be implemented in the Crown Point West/Stipeley Neighbourhood.

NOTE: Since 1987 December, the Crown Point West/Stipeley Programme for Renewal, Improvement, Development and Economic Revitalization Citizens' Advisory Committee, and in-house staff meetings have been held to draft the Community Improvement Plan for Crown Point West/Stipeley. The Plan is necessary to implement the Crown Point West/Stipeley Programme for Renewal, Improvement, Development and Economic Revitalization.

The Crown Point West/Stipeley Programme for Renewal, Improvement, Development and Economic Revitalization is provided for in the 1988-1992 Capital Budget as Project Number E38005 at the gross cost of \$800,000.

A Public Meeting was held 1988 February 17 to present the Plan to the residents of the Crown Point West/Stipeley Neighbourhood.

Copies of the Community Improvement Plan were distributed to members of the Planning and Development Committee. Additional copies are available from the Secretary.

The Committee was in receipt of a report from the Director of Local Planning dated 1988, February 15th regarding an application to the Region for approval of a draft plan of subdivision in the Eleanor Neighbourhood.

The Committee APPROVED the following recommendation:

- (a) That APPROVAL be given to Subdivision Application 87-33, Steinnagel Construction Ltd., owner, to establish a draft plan of subdivision, at the east side of Eleanor Avenue and north of Rymal Road, subject to the following conditions:
 - (i) That this approval apply to the plan prepared by A. J. Clarke and Associates, dated 1987 December 4, showing 18 lots, one block (Block "19") for development with adjacent lands and two 0.3m reserves (Blocks "20" and "21").
 - (ii) That the road allowances be dedicated as a public highway on the final plan.
 - (iii) That the street be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 - (iv) That the final plan conform with the Zoning By-law approved under the Planning Act.
 - (v) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.
 - (vi) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 - (vii) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot on the final plan.

Subdivision
Application 87-33 -
east side of
Eleanor Avenue,
north of Rymal
Road.

- (viii) That Block "19" be developed only in conjunction with adjacent lands.
 - (ix) That Blocks "20" and "21" be conveyed to the City of Hamilton as 0.3m reserves.
 - (x) That the owner shall erect a sign in accordance with Section X of the Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
 - (xi) That prior to the extension of sewers and watermains, Lots 7 - 18 and Block "19" cannot be developed.
 - (xii) That the owners agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- (b) That a subdivision agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-87-33), Steinnagel Construction Limited, owner, proposed draft plan of subdivision and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

Proposed
Amendment 36
to the
Niagara
Escarpment Plan.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988, February 11th respecting proposed amendment 36 to the Niagara Escarpment Plan.

The Committee APPROVED the following:

That the City Clerk notify the Clerk of the Regional Municipality of Hamilton-Wentworth that the City of Hamilton DOES NOT OBJECT to the proposed amendment 36 to the Niagara Escarpment Plan.

NOTE: The Niagara Escarpment Commission has requested the City of Hamilton to comment on proposed amendment 36 to the Niagara Escarpment Plan which has been initiated by the Commission. The proposed amendment will expand the list of permitted uses by permitting: "Bed and Breakfast Establishments" and "Farm Vacation Establishments" in the "Escarpment Natural" and "Escarpment Protection" Areas of the Plan; and "In-Home Tourist Accommodation" in the "Escarpment Rural Area" of the Plan.

The proposal would permit a maximum of three guest rooms in a residence. The purpose of the amendment is to encourage tourism development.

The proposed amendment would not greatly affect the City of Hamilton since few houses exist within the above-noted designations within the City. The majority of the developed areas in the City within the Plan area are designated "Urban Area" and are not subject to the proposed amendment. The development of "in-home" tourist accommodation in these areas would be subject to municipal by-laws.

The Committee was in receipt of a report from the Director of Local Planning dated 1988, February 1 respecting a request from the City of Toronto concerning enforcement of the Rental Housing Protection Act.

The Committee APPROVED the following:

- (a) That City Council endorse the following recommendations of the City of Toronto, to request the Provincial Government to:
 - (i) Expedite prosecutions on the conversion of rental housing stock to all other uses including apartment hotel units; and,
 - (ii) Provide funds to increase its Investigations and Enforcement Branch associated with the Rental Housing Protection Program.
- (b) That the Minister of Housing and the City of Toronto be notified of these resolutions.

NOTE: Toronto City Council, at their meeting of 1987 September 21, adopted several resolutions dealing with the Rental Housing Protection Act. These are intended to encourage the Minister of Housing to increase their enforcement of the Act, by means of increased investigations and prosecutions. They are also requesting other major municipalities in Ontario to adopt similar resolutions and to notify the Minister of Housing.

The City of Toronto is concerned that enforcement of the rental housing legislation is not adequate. The recent conversions of two rental buildings to apartment hotel use in Toronto were cited as examples of inadequate application of the legislation.

As conversion of rental units to apartment hotel units is subject to the Act, requiring municipal Council approval. Such conversions are considered on a unit by unit basis, rather than all of the units in each building being considered together. That is, a mixed-use building may exist in which half of the units are rented and the remainder are apartment hotel units. Applications could be made for conversion of any individual rental unit, without changing the status of any other unit.

The City Solicitor's Department has advised that there is no legal reason why the Planning Committee and Council could not support the Toronto legislation. They pointed out that there are no similar cases concerning conversion of rental units to apartment hotel units in Hamilton, but that our support could still be given.

The Planning Department have reviewed the request, and feel that it merits support. Prosecutions for conversions to other types of uses, in addition to apartment hotel units, should also be expedited, in order to address the current situation in Hamilton.

City of Toronto
resolution -
enforcement of The
Rental Housing
Protection Act.

The Planning Department feel that it is important that adequate resources be made available to enforce any legislation. The Rental Housing Protection Act is intended to provide protection for rental units and tenants, and enforcement is necessary to make the Act effective.

Task Force on
Student Housing -
Added members.

The Committee was in receipt of an added item from the Secretary of the Task Force on Student Housing dated 1988, February 24 respecting the addition of members to the Task Force on Student Housing.

The Committee APPROVED the following:

- (a) That approval be given to the inclusion of the following two student representatives on the Task Force on Student Housing:

Cyrus Barucha

Andrew Campbell

- (b) and further that approval be given to the inclusion of a Landlord representative on the Task Force on Student Housing (name to be furnished when available).

L.A.C.A.C. -
possible
designation of
the Hamilton
Harbour and its
foreshore or
portions thereof.

The Committee was in receipt of an added report from L.A.C.A.C. dated 1988, February 24 respecting the possible designation of the Hamilton Harbour and its foreshore or portions thereof.

Considerable discussion ensued on this matter and Alderman McCulloch spoke on the recommendation submitted by L.A.C.A.C. He advised that L.A.C.A.C. has concerns that the Port will become an Industrial Port and it is as a result of that that they have made their recommendation.

Alderman Hinkley spoke on this and expressed some concerns that there needs to be a re-evaluation of the Harbour Commissioners Act and their functions with relation to the City's goals and objectives.

Alderman Merling also indicated that he would invite the Harbour Commissioners to attend a future meeting of the Transport and Environment Committee with a possible view to re-establishing the Harbour Committee which would report directly to City Council.

Moved by Alderman Hinkley, seconded by Alderman Merling and NOT VOTED ON:

That all of the stakeholders in the Harbour Commission be invited to sit on a Task Force to:

- (a) Evaluate the Harbour Commission Act of 1912.
- (b) To analysis how the Commission can best serve the goals and objectives of the City.

NO VOTE was taken on the above motion and Alderman Hinkley advised he will bring back a report to the next meeting of the Committee with specific recommendations on this matter.

The Committee then agreed that they would RECEIVE AND TABLE the report of L.A.C.A.C.

The Committee further agreed that L.A.C.A.C.'s recommendation should be forwarded to the Transport and Environment Committee for inclusion as comments in the Perimeter Road Study.

At this point the Committee adjourned and reconvened in the City Hall Council Chambers for the purpose of hearing Zoning Applications.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988, February 15th respecting Zoning Application 87-117 for property located at 1060 Rymal Road East.

Report of the circularization is as follows:

104 notices sent 6 in favour 1 opposed

The Committee APPROVED the following:

That APPROVAL be given to Zoning Application 87-117, Basil Williams and Edward Cummings, owners, requesting a modification to the established "M-12" and "M-15" (Prestige Industrial, etc.) District regulations applicable to the lands described as Blocks 1 and 2 on the attached map marked as APPENDIX "A", located at No. 1060 Rymal Road East, on the following basis:

- (a) That the "M-12" (Prestige Industrial) District regulations as contained in Section 17D of Zoning By-law 6593 applicable to the lands described as Block 1 be modified to include the following variances as special requirements:

- (i) Notwithstanding the provisions of Section 17D(1)(b) of Zoning By-law No. 6593, the following commercial uses shall be permitted:

	<u>S.I.C. Identification</u>
Tire, Battery, Parts and Accessory Store	6342
General Repairs Garage	6351
Muffler Replacement Shop	6353
Motor Vehicle Glass Replacement Shop	6354
Other Motor Vehicle Repair Shops	6359
Motor Vehicle Transmission Repair and Replacement Shop	6355
Other Motor Vehicle Parts and Accessories, wholesale, except rebuilding, recapping, retreading or vulcanizing	5529

- (b) That the "M-15" (Prestige Industrial) District regulations as contained in Section 17G of Zoning By-law No. 6593 applicable to the lands designated as Block 2 be modified to include the following variances as special requirements:

- (i) Notwithstanding the provisions of Section 17G(1)(b) of By-law No. 6593, the following commercial uses shall be permitted:

Adjourn to Council Chambers.

ZA87-117 -
1060 Rymal Road
East.

S.I.C. Identification

Tire, Battery, Parts and 6342
Accessory Store

Other Motor Vehicle Parts and 5529
Accessories, wholesale, except
rebuilding, recapping,
retreading or vulcanizing

- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1067, and that the subject lands on Zoning District Map E-49E be notated as S-1067;
- (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-49E;
- (e) That the proposed change in zoning is in conformity with the Official Plan.

NOTE: The purpose of the By-law is to provide for a modification to the established "M-12" and "M-15" (Prestige Industrial) District regulations applicable to property municipally known as the front portion of property municipally known as 1060 Rymal Road East.

The effect of the By-law is to permit the following additional commercial uses within the established "M-12" and "M-15" (Prestige Industrial) District:

"M-12" DISTRICT

Tire, Battery, Parts and Accessory Store;

General Repairs Garage;

Muffler Replacement Shop;

Motor Vehicle Glass Replacement Shop;

Other Motor Vehicle Repair Shops;

Motor Vehicle Transmission Repair and
Replacement Shop;

Other Motor Vehicle Parts and accessories,
wholesale, except rebuilding, recapping,
retreading or vulcanizing.

"M-15" DISTRICT

Tire, Battery, Parts and Accessory Store;

Other Motor Vehicle Parts and accessories,
wholesale, except rebuilding, recapping,
retreading or vulcanizing.

ZA87-124 -
north-west
corner of Rockland
Avenue and
Rymal Road East.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988, February 15th respecting Zoning Application 87-124 for property located at the north-west corner of Rockland Avenue and Rymal Road East.

Report of the circularization is as follows:

78 notices sent 2 in favour 2 opposed

The Committee APPROVED the following:

That APPROVAL be given to Zoning Application 87-124, Rodosa Development Corporation, owner, for a modification to the "HH" (Restricted Community Shopping and Commercial) District for the property located at the north-west corner of Rockland Avenue and Rymal Road East, as shown on the attached map marked as APPENDIX "B", on the following basis:

- (a) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A of Zoning By-law No. 6593, applicable to the subject property, be modified to include the following variance as a special requirement:
 - (i) That notwithstanding the provisions of Section 14A(1) of Zoning By-law No. 6593, an animal hospital (veterinarian clinic) shall be permitted, provided that all animals are kept within the building.
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1068, and that the subject lands on Zoning District Map E-49D be notated S-1068,
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-49D; and,
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a modification to the "HH" (Restricted Community Shopping and Commercial) District regulations for property located at the north-west corner of Rockland Avenue and Rymal Road East.

The effect of the By-law is to permit, in addition to the permitted uses under the existing "HH" (Restricted Community Shopping and Commercial) District, an animal hospital (i.e., veterinary clinic) provided that all animals are kept within the building.

The Committee was in receipt of a report from the Planning and Development Department dated 1988, February 15th respecting Zoning Application 87-129 for property located at the north-east corner of Upper Paradise Road and Stone Church Road West.

ZA87-129 -
north-east corner
of Upper Paradise
Road and Stone
Church Road West.

Report of the circularization is as follows:

281 notices sent 9 in favour 5 opposed

The Committee APPROVED the following:

That APPROVAL be given to Zoning Application 87-129, Margaret Morison and Douglas Nash, owners, for a further modification to the "HH" (Restricted Community Shopping and Commercial) District for the property located at the north-east corner of Upper Paradise Road and Stone Church Road West, as shown on the attached map marked as APPENDIX "C", on the following basis:

- (a) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A of Zoning By-law No. 6593, applicable to the subject property, be modified to include the following variance as a special requirement:
 - (i) That notwithstanding the provisions of Section 14A(1) of Zoning By-law No. 6593, an animal hospital shall be permitted, provided that all animals are kept within the building.
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-398b, and that the subject lands on Zoning District Map W-27C be notated S-398b;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-27C; and,
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a further modification to the "HH" (Restricted Community Shopping and Commercial) District regulations for property located at the north-east corner of Upper Paradise Road and Stone Church Road West.

The effect of the By-law is to permit, in addition to the permitted uses under the existing "HH" (Restricted Community Shopping and Commercial) District, an animal hospital (i.e., veterinary clinic) provided that all animals are kept within the building.

The Committee was in receipt of a report from the Director of Local Planning dated 1988, February 15th respecting a request respecting:

- (a) A request to change the Official Plan.
- (b) A request for a change in zoning for property at 1491-1545 Upper James Street, and,
- (c) An application to the Region for approval of a draft plan of subdivision in the Ryckmans Neighbourhood.

ZA87-84 -
1491 - 1545
Upper James Street.

Report of the circularization was given as follows:

97 notices sent 5 in favour 3 opposed

Mr. B. Morris, 1452 Upper James St. addressed the Committee on his concerns that the impact of this development will have to the area. He indicated that hotels that currently exist in the City are under capacity and that there is no need for further hotel accommodation.

Mr. Manfred Rudolph, Solicitor for Mr. Alex Boxinbaun, the landowner on Upper James to the north of the proposed subdivision spoke to the Committee. Mr. Rudolph indicated to the Committee that his client is in favour of the application but has some concerns at the proposed roadway. He advised that the present plan would reduce the use of future development for his client's lands and asked for some explanations of the site plan.

The Director of Local Planning spoke to the Committee and assured Mr. Rudolph that discussions would be required between the applicant and Mr. Boxinbaun in order that the proposed subdivision can be carried out.

The representative for the developer spoke to the Committee and agreed that discussions would ensue with Mr. Boxinbaun.

The Committee then APPROVED the following recommendation:

- (a) That APPROVAL be given to Official Plan Amendment No. 56 to redesignate the easterly portion of Block "2" from "Residential" to "Commercial" and to extend Special Policy Areas 31 and 31b to correspond with the "Commercial" designation, and that the City Solicitor be directed to prepare a by-law to amend the Official Plan for submission to the Regional Municipality of Hamilton-Wentworth.
- (b) That Section 2(2) of the Twenty-fifth Report for 1986 of the Planning and Development Committee adopted by City Council on 1986 November 25th be RESCINDED.
- (c) That APPROVAL be given to Zoning Application 87-84, 491719 Ontario Ltd. and 663921 Ontario Inc. (J. Paisley), owner and prospective owner, requesting changes in zoning for the properties located at Nos. 1491 to 1545 Upper James Street as shown on the attached map marked as APPENDIX "D" on the following basis:
 - (i) That Block "1" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
 - (ii) That Block "2" be rezoned from "AA" (Agricultural) District to "G" (Neighbourhood Shopping Centre, etc.) District;
 - (iii) That Blocks "3" and "4" be rezoned from "C" (Urban Protected Residential, etc.) District to "G" (Neighbourhood Shopping Centre, etc.) District;
 - (iv) That Block "5" be rezoned from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "G" (Neighbourhood Shopping Centre, etc.) District; and
 - (v) That Block "6" be rezoned from "HH" (Restricted Community Shopping and Commercial) District to "G" (Neighbourhood Shopping Centre, etc.) District;

- (vi) That the "G" (Neighbourhood Shopping Centre, etc.) District regulations as contained in Section 13 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
 - (i) Notwithstanding Section 13(1), the following additional commercial uses shall be permitted:
 - 1) medical and dental clinics/office;
 - 2) commercial school;
 - 3) liquor store; and,
 - 4) brewers' retail store.
 - (ii) Notwithstanding Section 13(1), the following additional residential use shall be permitted:
 - 1) a motel, hotel or motor hotel.
- (vii) Notwithstanding Section 18A(12)(c), a visual barrier between 1.8m and 2.0m in height contained within a 9.1m wide landscaped strip shall be provided along the easterly lot line of the Commercial zoning district;
- (viii) That no access shall be permitted on the easterly lot line of the Commercial zoning district;
- (ix) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1069, and that the subject lands on Zoning District Map E-9D be notated S-1069;
- (x) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9D;
- (xi) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area once Official Plan Amendment No. 56 is approved;
- (xii) That the Ryckmans Neighbourhood Plan be amended by redesignating the easterly portion of Block "2" from "Residential" to "Commercial"; portions of Blocks "2" and "3" from "Neighbourhood Commercial" to "Commercial"; and, Blocks "4", "5", "6" and portions of Blocks "2" and "3" from "Commercial and Retail Warehouse" to "Commercial".

NOTE: The purpose of this by-law is to provide for changes in zoning for the properties located at 1491 and 1545 Upper James Street on the following basis:

- (a) Block "1" - From "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District
- (b) Block "2" - From "AA" (Agricultural) District to "G" (Neighbourhood Shopping Centre, etc.) District, modified

- (c) Block "3" and "4" - From "C" (Urban Protected Residential, etc.) District to "G" (Neighbourhood Shopping Centre, etc.) District, modified
- (d) Block "5" - From "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "G" (Neighbourhood Shopping Centre, etc.) District, modified
- (e) Block "6" - From "FH" (Restricted Community Shopping and Commercial) District to "G" (Neighbourhood Shopping Centre, etc.) District, modified.

The effect of the by-law is to permit the development of Block "1" for single-family dwellings and Blocks "2", "3", "4", "5" and "6" for a shopping plaza and a 100-room motel.

In addition, the by-law provides for the following variances and additional regulations:

- (a) to permit the following additional commercial uses: liquor store, brewers' retail store, commercial school, medical and dental clinics/offices;
 - (b) to permit the following additional residential use: a motel;
 - (c) to require a visual barrier between 1.8m and 2.0m in height contained in a 9.1m wide landscaped strip be provided along the easterly lot line of the commercial development, whereas no landscaped requirements are required;
 - (d) to prohibit access on the easterly side of the commercial development.
- (a) That APPROVAL be given to Subdivision Application 87-24, 491719 Ontario Ltd. and 663921 Ontario Limited, owners, to establish a draft plan of subdivision, east of Upper James Street and north of Rymal Road, subject to the following conditions:
- (i) That this approval apply to the plan prepared by Higgins Engineering Limited, dated 1987 April 6, revised to show 73 lots, seven blocks for development with adjacent lands, three 0.3m reserves, a 12m x 12m daylight triangle, one block as a road widening and one block for a walkway.
 - (ii) That the road allowances and the widening (Block "86") be dedicated as public highways on the final plan.
 - (iii) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

Subdivision
Application 87-24
- east of Upper James
Street and north
of Rymal Road.

- (iv) That the final plan conform with the Zoning By-law approved under The Planning Act.
- (v) That the owners make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.
- (vi) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
- (vii) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot on the final plan.
- (viii) That the owner establish the property line 18.29m (60 feet) from the centreline of the original Upper James Street road allowance adjoining Block "86" (road widening).
- (ix) That roads One, Two and Four conform to the trunk sewer easement within the plan.
- (x) Road One is to be established to its full width prior to or in conjunction with the plan.
- (xi) The owner is to purchase from the Regional Municipality lands known as Part 2, Reference Plan 62R-7100 and incorporate these lands in the final plan.
- (xii) The centreline radii of all streets within the plan must have a 110 metre radius.
- (xiii) That prior to the availability of the extension of sewers from the east lots 1 to 33 and Blocks "76" and "77" cannot be developed.
- (xiv) The centreline of street three must align with the centreline of street "G" as shown on the draft approved plan of "Di Cenzo Gardens", Regional File No. 25T-86008.
- (xv) That Blocks "76", "77" and "79" to "83" inclusive be developed only in conjunction with adjacent lands.
- (xvi) That Blocks "84", "88" and "89" created by this plan as 0.3m reserves be conveyed to the City of Hamilton.
- (xvii) That an 86 foot road be established to its full width north of Block "75" prior to or in conjunction with this plan.
- (xviii) That the owners shall erect a sign in accordance with Section X of the Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
- (xix) That the owners agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.

- (b) That a subdivision agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-87-24), 491719 Ontario Limited, and 663921 Ontario Limited, owners, proposed draft plan of subdivision and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.
- (c) That the Planning Department and the Traffic Department be directed to examine possible re-alignment of the proposed road to the north of the proposed subdivision.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988, February 15th respecting Zoning Application 87-131 for property at 203 Rymal Road West.

ZA87-131 -
203 Rymal Road
West.

Report of the circularization is as follows:

33 notices sent 5 in favour 0 opposed

The Committee APPROVED the following:

That APPROVAL be given to Zoning Application 87-131, Montham Developments Ltd., prospective owner, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, of property located on the south side of Rymal Road West in the area west of Christie Street, municipally known as No. 203 Rymal Road West, as shown on the attached map marked as APPENDIX "E", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-9D; W-9E, W-17D; and, W-17E; and,
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a change in zoning of the subject lands, municipally known as No. 203 Rymal Road West, from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.

The effect of the By-law is to permit development of the subject lands for single-family dwellings.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988, February 15th respecting Zoning Application 87-135 for property at 240 and 244 Quigley Road.

ZA87-135 -
240 and 244
Quigley Road.

Report of the circularization is as follows:

855 notices sent 10 in favour 2 opposed

The Committee APPROVED the following:

That APPROVAL be given to Zoning Application 87-135, Emilio Ianiri, owner and prospective owner, requesting changes in zoning from "C" (Urban Protected Residential, etc.) District and "C" (Urban Protected Residential, etc.) District, modified, to "DE-2" (Multiple Dwellings) District, modified, to permit the re-development of the subject lands for an apartment building, including a hairdressing/barbershop establishment on the first floor, for the properties located at Nos. 240 and 244 Quigley Road, as shown on the attached map marked as APPENDIX "F", on the following basis:

- (a) That Block "1" be rezoned from "C" (Urban Protected Residential, etc.) District to "DE-2" (Multiple Dwellings) District;
- (b) That Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District, modified, to "DE-2" (Multiple Dwellings) District;
- (c) That the "DE-2" (Multiple Dwellings) District regulations as contained in Section 10B of Zoning By-law No. 6593, applicable to the subject lands be modified to include the following variances as special requirements:
 - (i) That notwithstanding Section 10B(1), the following commercial use shall be permitted:
 - 1. a barbershop/hairdressing establishment within the first storey of the residential building with the accommodation of not more than two employees;
 - (ii) That notwithstanding Section 10B(1), the following accessory use shall be permitted:
 - 1. an internally illuminated sign or notice posted on the premises having an area of not more than 0.2m² attached to and as flush with a wall of the building;
- (d) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-884a, and that the subject lands on Zoning District Map E-97 be notated S-884a;
- (e) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-97; and,
- (f) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of this By-law is to provide for changes in zoning for the properties located at Nos. 240 and 244 Quigley Road on the following basis:

- (a) Block "1" - Change in zoning from "C" (Urban Protected Residential, etc.) District to "DE-2" (Multiple Dwellings) District, modified.

- (b) Block "2" - Change in zoning from "C" (Urban Protected Residential, etc.) District, modified, to "DE-2" (Multiple Dwellings) District, modified.

The effect of the by-law is to permit the re-development of the subject properties for an apartment building, including a hairdressing/barbershop establishment within the first floor of the building.

The Committee was in receipt of correspondence to By-law No. 87-334 for lands on the west side of Upper Sherman Avenue, north of Limeridge Road East which were referred back by City Council at its meeting held 1988, January 12th.

Further to the direction of the Planning and Development Committee, a full public meeting on this matter has been called for today's meeting of the Committee.

Report of the circularization was given as follows:

97 notices sent 8 in favour 3 opposed

Mr. Joseph M. Venditti, Manager of Land Development, Marz Homes Limited spoke to the Committee. He indicated that his Company is the owner of homes to the west of the application and that they are very opposed to the proposal.

Mr. Duncan, 285 Parkwood Crescent addressed the Committee in opposition to the application. He expressed concern at the amount of light that would be generated during the night from this operation. He was told when he purchased his property that the present use of the land is non-conforming use.

The owner of property at 282 Parkwood Crescent spoke to the Committee. She advised that she is next door to the applicant and was aware of the present operation when she bought her home, however she is very opposed to the proposed additional use.

The owner of 281 Parkwood Crescent spoke to the Committee and advised that he was told that the applicant land would be for single family homes. He is concerned at the lights that would be generated by this operation during the evening and emphasized his strong opposition to the application.

Mr. Kumar, owner, for the applicant land spoke to the Committee. He expressed concerns at the delay of his application and feels that the proposed use of a self-serve gasoline station and a self-serve car wash would be an improvement over the operation that presently exists at the location.

General discussion then ensued on this matter by the Committee.

Alderman Gallagher spoke to the Committee on this application and expressed concerns at the increased traffic in the area and that it would be unfair to increase the traffic further to the residents in the area by this increased use.

Alderman Murray also spoke to the Committee and expressed his view that this application is out of place in the current residential area.

Zoning By-Law
87-334 - west
side of Upper
Sherman, north
of Limeridge
Road East.

It was then moved by Alderman Merling, seconded by Alderman Agostino and carried to APPROVE the following recommendation:

- (a) That Zoning Application 86-15, Ashok Kumar, owner, requesting a change in zoning from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District, to permit a self-serve gasoline station and car wash, for the lands located on the west side of Upper Sherman Avenue in the area north of Limeridge Road East, shown on the attached plan marked as APPENDIX "G", BE DENIED for the following reasons:
 - (i) The proposal is incompatible and would conflict with existing and proposed development in the surrounding area comprised primarily of single-family and two-family dwellings;
 - (ii) The proposal to extend the commercial use by 24.384m (80.0 ft.) into a new subdivision development represents an undesirable intrusion of a commercial use into the residential area. In this regard, the proposed car wash bays, vacuum cleaning machines and the parking and manoeuvring area would directly abut the side yard of one of the new lots in the subdivision development.
 - (iii) The proposal represents an over-intensification of land use, in that it would necessitate numerous variances to the supplementary requirements of Zoning By-law No. 6593 for service stations and car washes.
- (b) That Zoning By-law 87-334 passed by City Council on 1987 November 24th BE RESCINDED, and the City Solicitor be authorized and directed to prepare the rescinding By-law.

Adjournment.

At this point the Committee adjourned and reconvened at 4:30 p.m. in order to hear Item 14 on their Agenda.

Reconvening.

The following persons were present at the 4:15 time of the Committee:

Alderman J. Smith, Chairman
Alderman D. Ross, Vice-Chairman
Alderman H. Merling
Alderman T. Cooke
Alderman B. Hinkley
Alderman D. Agostino

Regrets: Mayor Robert M. Morrow
Alderman D. Christopherson
Alderman W. McCulloch

Also present: Alderman J. Gallagher
Mr. V. Abraham, Director of Local Planning
Mr. J. Zipay, Planning Department
Mr. L. King, Building Department
Mr. K. Brenner, Regional Engineering Department
Mr. R. Karl, Traffic Department
Mrs. S. K. Reeder, Acting Secretary

Moved by Alderman Merling, seconded by Alderman Agostino and carried to LIFT FROM THE TABLE Zoning Application ZA-87-112 for properties at 1610, 1614, 1620 and 1626 Upper Gage Avenue as well as Zoning Application ZA-87-65 for property located in the area north of Rymal Road East and west of Upper Gage.

Alderman Merling and Alderman Gallagher indicated that they have met with all parties concerned in this matter and Alderman Merling spoke to the application.

Mr. Dennis Sheppard, 2 Reiti Place spoke to the Committee. He advised that he, along with his neighbours, met with the developers and they are concerned that the applicant does not intend to develop the land for himself but rather for anyone that wishes to buy it.

Mrs. Miller, 1574 Upper Gage Ave. spoke to the Committee in opposition to the application. She expressed concern at what the "E-2" zoning will do to their area and the increased traffic that will be generated. She added that she feels that a high density use of the land will also add to a high crime rate. She added that she is opposed to apartments. She also added that the applicants are developing the land for profit and not for their own use.

Mr. Spenuk, 820 Rymal Road East spoke to the Committee. He asked to have the area of the application clarified and Mr. John Zipay of the Planning Department outlined the area which is being discussed. Mr. Spenuk then expressed some concerns that the information he received from the Planning staff was not correct. General discussion then ensued on the material that Mr. Spenuk received from the Planning Department and the difference between zoned lands and designated lands. It was then agreed that Mr. Victor Abraham, Director of Local Planning would speak to Mr. Spenuk after the meeting on the differences between designated land use and zoned land use.

Mr. Danny MacLaren, 10 Livorno Court spoke to the Committee. He listed the number of commercial developments in the area already and added that they did not want to see more congested development of their area. He questioned the traffic study and road widening. He further questioned the speed of traffic on Upper Gage and indicated that he feels the speed limit should be reduced in view of the residential component of the area. He further expressed frustrations at his fourth visit to City Hall on this issue and added that he and his neighbours were hoping that the applicants would be willing to amend their applications to single family homes. He concluded by indicating that his dream when he bought his new home has now become a nightmare.

Mr. Carlo De Silvestri, representative of the applicant for Zoning Application 87-65 spoke on changes they would be willing to make to their application.

General discussion then ensued on these proposed amendments. The Committee was in receipt of inter-office memos from Mr. G. Aston of the Regional Engineering Department and Mr. R. Karl of the Traffic Department in response to Mr. De Silvestri's proposed amendments. Both departments do not support his amendments. The Committee was also in receipt of a petition of the neighbours which was given to the last hearing meeting of the Committee from residents of the area in opposition to Zoning Application 87-65 and ZA-87-112.

Mr. Harnden, applicant, for Zoning Application 87-112, for properties at 1610, 1614, 1620 and 1626 Upper Gage Avenue spoke to the Committee. He indicated that he has owned the property since 1982 and has a possible buyer for the land to build an apartment building and therefore wants the "E-2" zoning.

Alderman Gallagher spoke to the Committee in opposition to the applications.

Alderman Merling also spoke to the Committee urging them to deny these applications.

ZA87-112 -
1610, 1614, 1620,
1626 Upper Gage.

ZA 87-65 - area
north of Rymal
Road east and
west of Upper
Gage. .

It was then moved by Alderman Merling, seconded by Alderman Agostino and carried to APPROVE the following recommendations DENYING Zoning Application 87-65 and Zoning Application 87-112 as follows:

That Zoning Application 87-65, Frank Silvestri (In Trust), owner and prospective owner, requesting changes in zoning from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to "E-2" (Multiple Dwellings) District for Blocks 2, 3, 4 and 5, as shown on the attached map marked as APPENDIX "H" applicable to properties at Nos. 829 and 837 Rymal Road East and No. 1606 Upper Gage Avenue, BE DENIED for the following reason:

- (i) The proposed development is considered to be incompatible and out of character with existing development in this area.

That Zoning Application 87-112, H. C. Harnden and H. A. Anderson, owner and prospective owners, requesting changes in zoning from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to "E-2" (Multiple Dwellings) District for Blocks 2 and 3 as shown on the attached map marked as APPENDIX "I" applicable to properties at Nos. 1610, 1614, 1620 and 1626 Upper Gage Avenue, BE DENIED for the following reason:

- (i) The proposed development is considered to be incompatible and out of character with existing development in this area.

Review of a
portion of the
Eleanor
Neighbourhood.
American Planners
Association
Annual Conference.

The Committee further directed that the Planning Department REVIEW the proposed land use for the portion of the Eleanor Neighbourhood affected by Zoning Application 87-65 and Z87-112.

The Committee was in receipt of information from the Director of Local Planning on an upcoming American Planners Association Annual Conference.

The Committee then APPROVED the following recommendation:

That the Chairman or his designate be authorized to attend the American Planners Association Annual Conference to be held 1988 April 30-May 4 in San Antonio, Texas.

Adjournment.

There being no further business, the meeting then adjourned.

Taken as read and approved.

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Mrs. Susan K. Reeder
Acting Secretary
1988 February 24

FOR ACTION

2.

FROM Planning and Development Department

DATE May 11, 1987

TO Planning and Development Committee

Refer To File No. P5-6-8-4

Attention Of V. J. Abraham

SUBJECT

Day Nurseries: An assessment of Hamilton land use policy and controls.

RECOMMENDATIONS

That a public meeting be held to discuss and request submissions on the following recommendations and request submissions.

APPROVED
by
PJD

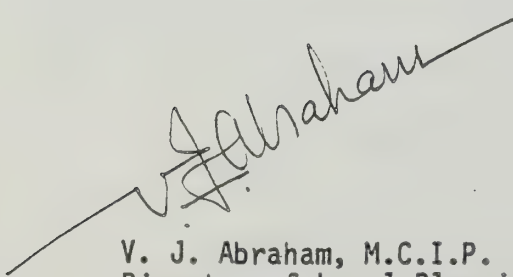
1987
May 27

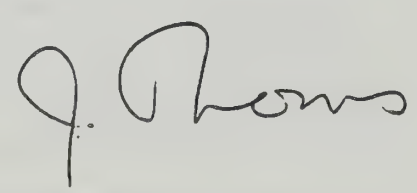
- o As part of the Official Plan's five year review, explicit policy statements should be added to Sections A.2.3 (Industrial Uses) and A.2.4 (Open Space) permitting day nurseries in these land use designations. Such policies should be in keeping with those outlined in Section A.2.6 - Major Institutional Uses.
- o At the same time, a new policy should be added to Section A.2.6 of the Official Plan, encouraging day nurseries where:
 - parking is readily available
 - a drop-off/pick-up zone could be provided
 - substantial noise and traffic problems would not be created
- o The definition of Day Nursery in the Zoning By-law should be amended to make it conform with provincial legislation.
- o The Zoning By-law should be amended to identify day nurseries as a permitted use in all zoning districts except "A" (Open Space), "F" (Special Waterfront), G-3 (Parking), and "L" (Planned Development).
- o The Zoning By-law should be amended as follows:
 - In residential areas (areas zoned B, B-1, B-2, C, R-4, D, DE, DE-2 and DE-3) day nurseries should be limited to a maximum of ten children. This restriction should not apply to day nurseries in schools, churches or community centres.
 - In residential areas (areas zoned B, B-1, B-2, C, R-4, D, DE, DE-2 and DE-3) along major roads (as defined on Schedule F of the Hamilton Official Plan and shown on Map 2) there should be no limit on the number of children permitted in a day nursery.

- In all other zoning districts in which day nurseries are permitted, there should be no limit to the number of children attending the day nursery. In these cases, the number of permitted children will be determined by the Day Nurseries Act which requires 5.6 m² of outdoor play space and 2.8 m² of indoor play space for each child.
- In the case of a converted dwelling used as a day nursery, the "play area" should be restricted to the rear yard.
- o The Zoning By-law should be amended to require day nurseries to have an on-site loading and/or parking zone for motorists to drop off and pick up children to accommodate one car per six children at any one time.
- o Site Plan Control should be applied to all new Day Nurseries with more than ten children, as well as to the expansion of existing Day Nurseries regardless of zoning district.

EXPLANATORY NOTE

This report was prompted by a petition signed by certain residents in the Buchanan Neighbourhood who opposed the establishment of a day nursery at 116 Laurier Ave. The Planning Department subsequently was directed to conduct an overview of how land use policy and controls affect day nurseries.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

BACKGROUND REPORT

1. INTRODUCTION

This report assesses Hamilton land use policy as it pertains to day nurseries.

Section 2 defines "day nursery", and contrasts it to "home day care". Section 3 of this report provides some background on the need for this type of facility, in Ontario and Hamilton. It is concluded that a substantial unmet need exists, especially for infant, "before and after school", emergency, and 24 hour care. As well, Section 3 reveals that certain communities are relatively worse off than others. It is concluded that land use restrictions should not be altered in a way that limits the number of new day nurseries.

Section 4 subsequently identifies how Hamilton's Official Plan and Zoning By-law affect day nurseries. These provisions are seen to impose a number of restrictions on that type of facility.

Section 5 then deals with the most contentious day nursery issue: whether they should be permitted in residential areas, and if they do, whether they should be subject to special restrictions. A conflict between different interests is shown to exist.

Section 6 notes how other municipalities have attempted to resolve this issue.

Section 7 outlines a number of policy guidelines on the issue of day nurseries, and then lists a number of recommendations on how the Official Plan and the Zoning By-law might be modified.

2. DEFINITIONS

"Day nursery" is defined in the Day Nurseries Act as:

A premises that receives more than five children who are not of common parentage, primarily for the purpose of providing temporary care, or guidance, or both temporary care and guidance, for a continuous period not exceeding twenty-four hours, where the children are.

(i) under eighteen years of age in the case of a day nursery for children with a developmental handicap, and

(ii) under ten years of age in all other cases,

but does not include,

- (iii) part of a public school, separate school, private school or a school for trainable retarded children under the Education Act, or
- (iv) a place that is used for a program of recreation and that is supervised by a municipal recreation director who holds a certificate issued pursuant to section 10 of the Ministry of Culture and Recreation Act;

This definition includes nursery schools, nursery co-ops, and day care centres. The Hamilton definition, however, is somewhat different, since it is based on a superceded piece of provincial legislation. The main difference is that four children are seen to constitute a day nursery, not six.

"Private home day care" refers to the supervision of 1 to 5 children unrelated to the care giver in a private home. Private home day care is not dealt with in this report, for two reasons. First, no policy guidelines on this subject are outlined in the Official Plan. Such guidelines may be needed, but their development more appropriately would be the subject of a separate report. Second, child care arrangements with an enrolment of three or less generate little traffic or noise. The planning issues associated with day nurseries therefore do not apply to private home day care.

3. THE NEED FOR CHILD CARE FACILITIES

Introduction: The Ontario Situation

At present, Hamilton and the rest of the Province are facing a serious shortage of licensed child care facilities. Although, the number of preschool and school age children has declined steadily over the past two decades, there has been a dramatic increase in the number of women in the labour force and in the number of lone parent families have led to an overall increase in the demand for child care.

More specifically, there has been an increase in the requirement for spaces in day nurseries. Survey results document "an expressed preference among parents of virtually all social classes and ethnic backgrounds for supervised and licensed group care for pre-school children." (Bureau of Municipal Research 1981, 2) Indeed, the Social Planning Council of Metropolitan Toronto (1984) has estimated that 64% prefer day care centres over informal arrangements.

In response, the various levels of government, businesses and non-profit groups have increased the number of day nurseries. Here, Ontario has been particularly successful. The Day Nurseries Act, which divides up the costs of building and renovating a day nursery among the different governments and which creates a subsidy structure supported by government and day nursery operators, has encouraged a sufficient increase in the network of child care facilities. In 1961, Ontario had 328 centres and 13,434 spaces. The figures for 1981 were 1,767 and 65,593 (Ontario Statistics 1977, 1984).

Still, questions have been raised as to whether this additional space is enough. The Bureau of Municipal Research (1981, 11) notes that "while Ontario has been a leader in recognizing day care as an essential social service, it has failed to keep pace with demand." The Social Planning Council of Metropolitan Toronto (1984) reported that in Ontario, only 38% of the preschool children from families needing and wanting full-time care were cared for in the formal system. An additional 84,000 full-time day nursery spaces were needed to serve those pre-school children with working parents who prefer formal day care arrangements.

This need for more child care facilities was illustrated further by a 1985 Canada-wide study by the Federal Government's Status of Women Office. Findings include:

- o There was a major imbalance between child care preferred and child care utilized. Among the full-time working parents of infants (under 18 months), 42.3% wanted to use day care centres, but only 32.3% were able to do so. 50% of the parents of preschoolers wished to send their children to day cares, but only 39.7% could do so.
- o Married women and especially single parents, who have children under 5 had labour force participation rates below those that they preferred. Lack of access to quality child care was a major factor here.

This second finding brings to light the "hidden demand" for child care. As noted by the Social Planning and Research Council of Hamilton and District (1971), it is necessary to consider "those people who, while at the moment not demanding day care services, might express a demand, given changed financial or social circumstances, or if a different type of service was available."

Licensed Child Care in Hamilton: Overall Need

According to a survey conducted in October, 1986 (See Appendix) Hamilton has 53 day nurseries with a licensed capacity of 2,422, and an estimated total enrolment of 2,848. It is apparent from this survey that while all types of child care can only accommodate a fraction of their target populations, the discrepancy is greater in certain situations:

- o infant care: only 6 day nurseries provide care to children under 18 months. These centres have a licensed capacity of only 68 in this age category.
- o 24 hour care: only 2 centres (licensed capacity 41) provide care around the clock. This is quite surprising, given the number of shiftworkers in Hamilton.

- o before and after school care: Only 3 schools (60 places in total) provide supervision before and after school, although 6 day nurseries take in a few school age children in addition to preschoolers. At the same time, however, the number of "latchkey" children must be large.

It is very difficult, however, to establish the demand for licenced child care facilities in Hamilton. It is inappropriate to assume that Ontario figures on this subject can be applied to any one city, owing to the unique employment and ethnic structure of each. The only comprehensive study of day nursery need in Hamilton was conducted by the Social Planning and Research Council in 1971. Unfortunately, most of the data in this study is too old to be useful.

The only recent study was conducted by Single Mothers Against Poverty (1983). The results are of interest, although a small sample size was used (290) and the survey only was concerned with low income single parents. 24% of respondents identified child care as a problem in their current paid employment, while 27% said that child care has prevented them from working, either at present or in the past.

We should also note the findings of a study conducted by the Social Planning and Research Council in 1983 on the subject of emergency child care. There is an absolute lack of this service in Hamilton, although 96.4% of respondents thought one was necessary.

Licenced Child Care Facilities in Hamilton: Distribution

Day nurseries can be either work-based or community-based. Recently, there has been considerable support for the former. Businesses see on-site child care facilities as a way to recruit personnel, reduce absenteeism, and reduce employee turnover. Employees benefit by having access to their children at lunchtime, and by gaining access to low cost day care - assuming the employer provides subsidies (Women's Bureau, Ontario, Ministry of Labour, 1981).

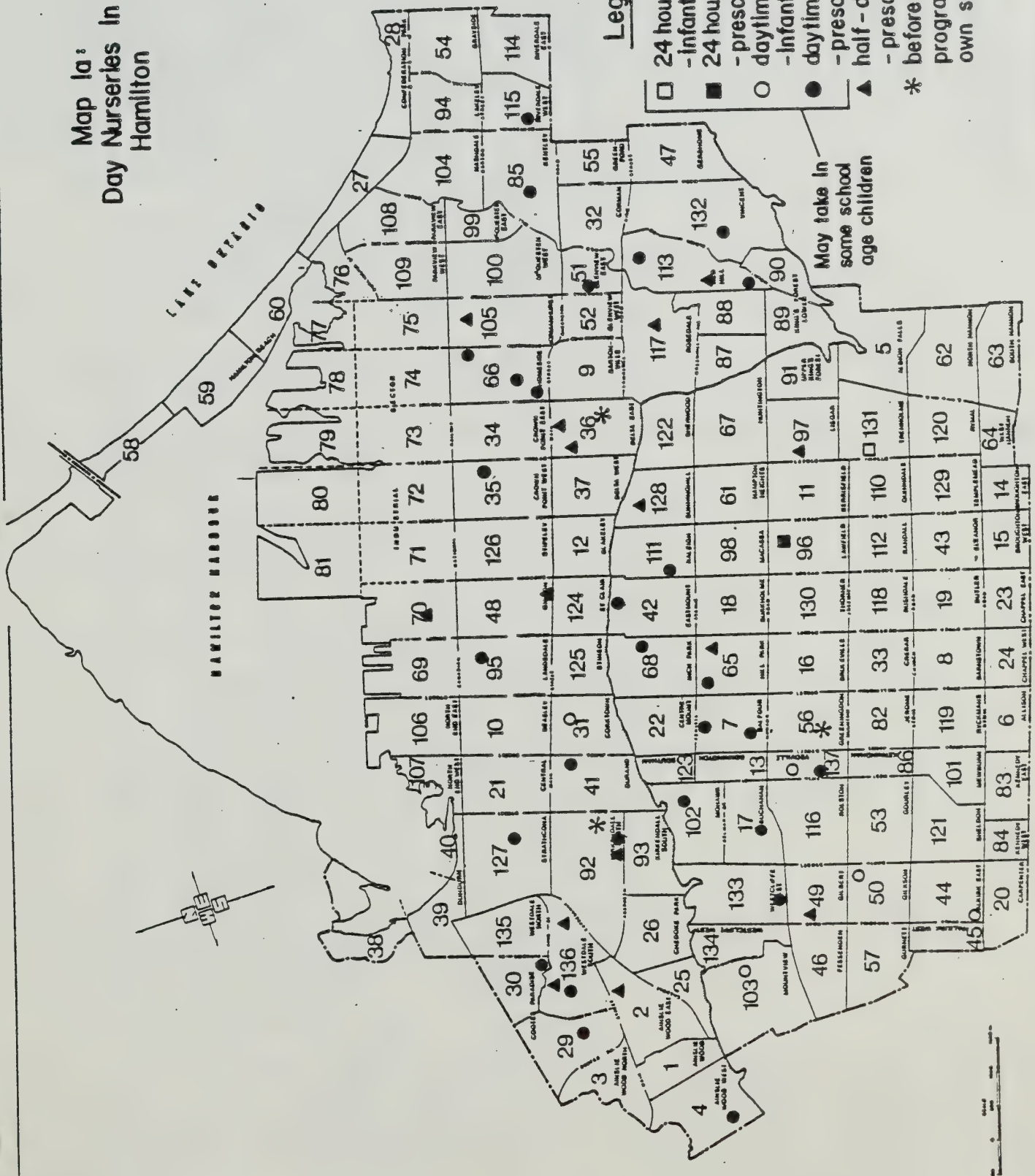
Still, community-based child care remains dominant. In Hamilton, only 8 of the 53 day nurseries are associated with the workplace. Still, community-based care is regarded as the preferred option by many child care professionals (Association for Early Childhood Education, Hamilton Branch, 1978). Furthermore, parents seem to prefer this option (Social Planning and Research Council's 1971).

When we look at the distribution of community-based child care facilities, however, some serious mismatches are evident. A 1978 study by the Social Planning and Research Council compared the actual and predicted distribution of day care places, based on the distribution of day care users. In general terms, the West end, downtown and the older parts of the Mountain had a relative oversupply, while the newer parts of the Mountain and the extreme East end had a relative undersupply.

Map la: Day Nurseries in Hamilton

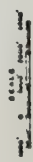
Legend

- 24 hour care
- -infants & preschoolers
- 24 hour care
- -preschoolers
- daytime care
- -infants & preschoolers
- daytime care
- -preschoolers
- ▲ half-day nurseries
- * -preschoolers before & after school programs in child's own school



May take in
some school
age children

LAKE CHARLES



A review of the current distribution of full-time community day nurseries compared to the distribution of children 0-4 reveals a similar problem, though the shortage in the extreme East end seems to have been rectified somewhat (see Maps 1a and 1b). At present, the Regional Social Services Department identifies the West End as having a special shortage of day nursery places. The supply remains relatively high, compared to other parts of the city, but demand in this area also is higher than elsewhere.

Assessment

We can conclude the following:

- o there is a shortage of all types of licenced child care, but especially of infant, 24-hour, before and after school and emergency care.
- o certain communities in Hamilton are less serviced than others by community-based day nurseries.

More research is necessary, however, before the exact extent of these problems can be identified.

4. DAY NURSERIES AND LAND USE POLICY IN HAMILTON

Introduction

Municipalities can influence the supply and distribution of day nurseries in a number of ways. These include:

- o the nature of the subsidy structure (extent of funding and income cut-off levels).
- o policy regarding the use of municipal facilities for day nurseries.
- o the extent of support for groups attempting to establish day nurseries.
- o land use policy.

Below, we focus on the last of these. Hamilton's Official Plan and Zoning By-law are examined, to determine the impact they have on the supply and distribution of day nurseries.

Official Plan Policy

The City of Hamilton's Official Plan allows for a great deal of flexibility in the location of day nurseries. Because they are considered a "major institutional use", they are permitted in areas designated "Major Institutional", as well as in most other land use categories.

Section A.2.1.3 permits the establishment of institutions less than 0.4 ha. in residential areas, though subjects these in provisions set out in Section A.2.6. These include:

- "i) Sufficient off-street parking and loading will be required, with particular consideration for their on-site location, and appropriate buffer and landscape treatment to effectively screen the development from surrounding uses;
- ii) The proposal is of a scale that will be compatible to, and integrate with, the character of established or approved development in the surrounding area."

Of these restrictions, only those dealing with parking likely would create difficulties for day nursery operators. The extent of these difficulties, however, would depend on how "sufficient" is defined in the Zoning By-law.

At the same time, Section A.2.2.1 permits major institutional uses in areas designated "Commercial", without establishing a site area requirement.

Day nurseries also may be permitted in industrial areas. Section A.2.3.1 permits:

"all uses which, in the opinion of council, complement and do not interfere with, or detract from, the primary function of the area."

Similarly, Section A.2.4.2 permits uses in areas designated "Open Space" which are compatible with the primary permitted use.

In summary, day nurseries are permitted implicitly or explicitly in all appropriate land use categories. They are not permitted in areas designated "Open Water" or "Utilities", but these limitations are reasonable. Therefore, the establishment of workplace and community-based day care is supported by the Official Plan.

Such support, however, could be much more explicit. Therefore, policy statements in the Industrial and Open Space categories permitting the establishment of institutional uses such as day nurseries would give greater guidance to Council.

Zoning By-law

As with the Official Plan, the Hamilton Zoning By-law (By-law 6593) imposes few limitations on the location of day nurseries. As outlined in Table 1, this use is permitted in virtually all residential zones, except "B" zones, (suburban/agricultural and large lot residential) and the RT-30 zone (street townhouses). Furthermore, workplace day care is encouraged, by permitting day nurseries to locate in most commercial and industrial zones.

In a number of cases, however, the Zoning By-law does not permit the degree of flexibility characteristic of the Official Plan. Day nurseries are not allowed (for example) in prestige industrial zones (M11-15), or designed neighbourhood shopping centres (G4). The commitment to workplace day care therefore is not as great as it might first seem.

Furthermore, Table 1 reveals that day nurseries found in residential and most commercial zones are subject to certain restrictions. Day nurseries may accommodate a maximum of 25 children, or 1 child per 5.5 m² of yard space, whichever is less. As well, play areas are limited to the rear yard. These restrictions do not apply, though, to day nurseries located in churches, schools, community centres, or other such public buildings (Section 9.1.iii of the By-law).

Yet, in other ways day nurseries in residential zones are subject to fewer restrictions than called for in the Official Plan. The parking concerns outlined in the Official Plan are not addressed in the Zoning By-law.

5. COMMUNITY CONCERNS ABOUT DAY NURSERY ZONING PROVISIONS

Introduction

Recently, questions have been raised regarding how the Zoning By-law influences the location and nature of day nurseries. All of these questions concern day nurseries in residential areas, although at present only 15 day nurseries are located in residences or converted residences (see Appendix).

This issue has been brought to the attention of the Planning and Development Department as a result of:

- o an application to rezone a parcel of land on Strathearne Ave.
- o an application to rezone a parcel of land on King St. East.
- o a submission by the Hamilton Chapter of the Association for Early Childhood Education (A.E.C.E.).
- o a petition by residents of the Buchanan Neighbourhood.

Strathearne Ave. Rezoning

In October, 1983, an application for a zoning change was received for the property located at No. 331-333 1/2 Strathearne Ave. This property was in a "C" Zone, meaning day nurseries are restricted to a maximum of 25 children. The owner, however, wanted to expand the centre to a licenced capacity of 37.

TABLE 1

DAY NURSERIES AND ZONING IN HAMILTON

	<u>Zone</u>	<u>Not Permitted</u>	<u>Permitted</u>	<u>Permitted subject to restrictions (see text)</u>
A	Recreational	X		
AA	Agricultural	X		
B	Residential	X		
B-1	Residential	X		
B-2	Residential	X		
C	Residential			X
D	Residential			X
DE	Residential			X
DE-2	Residential			X
DE-3	Residential			X
RT-10	Residential			X
RT-20	Residential			X
RT-30	Residential	X		
E	Residential			X
E-1	Residential			X
E-2	Residential			X
E-3	Residential			X
F		X		
U		X		
G	Commercial			X
G-1	Commercial	X		
G-2	Commercial			X
G-3	Commercial	X		
G-4	Commercial	X		
H	Commercial			X
HH	Commercial	X		
I	Commercial/ Institutional		X	
HI	Institutional	X		
CR-1	Commercial/ Residential	X		
CR-2	Commercial/ Residential	X		
CR-3	Commercial/ Residential	X		
J	Industrial		X	
JJ	Industrial		X	
K	Industrial		X	
KK	Industrial		X	
L	Industrial	X		
M(11-15)	Industrial	X		

This application was considered to have merit and warrant further consideration, for the following reasons:

- i) The day care centre provides a beneficial community service for working parents in this area of the city;
- ii) The day care nursery is situated near the intersection of Barton Street East and Strathearn Avenue, has access to a public transit route, is located directly opposite the Strathbarton Mall, and is within close proximity to the eastern industrial area where many parents of the children are employed;
- iii) The applicants are experienced operators. The Hamilton-Wentworth Social Services Department has a purchase of Service Contract with the day care nursery and, based on their performance record, recommend approval of the application;
- iv) Sufficient off-street parking (i.e. approximately eight stacked spaces) can be provided on the site for the two residential dwelling units and the day care nursery. The applicant has advised that, if required, additional off-street parking could be provided across the road at the Strathbarton Mall through an agreement with the Mall owners;
- v) The subject property appears to be well buffered with respect to adjoining residential uses, in that the south-east corner of the property which contains the day nursery is enclosed by a high board fence. The remainder of the property is bounded by a picket fence. In addition, the rear yard of the property is separated from adjoining residential uses to the west by a 3.0 m (10 foot) wide unassumed laneway;
- vi) The hours of operation (i.e. 7:30 a.m. - 5:30 p.m. five days a week) should not conflict with the private enjoyment of the adjoining residential uses; and
- vii) No change in use will occur. The effect of the proposal is to allow a minor increase in the capacity of the day nursery (i.e. Ministry licence for 37 children).

In March, 1984, Council passed By-law 84-55, permitting a zoning change for the property.

This case illustrates the inflexibility of the regulations governing day nurseries in C Zones, and, by implication, in other residential and commercial zones subject to the same regulations. Clearly, the operation of day nurseries with more than 25 children should not in all cases be limited to schools, churches, community centres or other public buildings.

King Street East Rezoning

In May, 1986, an application for a zoning change was received for the property located at 2846 King Street East. The new owner of this property wishes to renovate the existing residence, put on an addition, and open up a large day care for 60 children. The property was zoned AA, so a zoning change was required. At the same time, however, none of the residential zones permitted a day nursery with more than 25 children. An industrial or commercial zoning was undesirable. Therefore, both a zoning change and a modification of the zoning by-law were necessary.

The Planning and Development Department supported this application, for many of the same reasons as the Strathearne Ave. case. The day nursery would provide a much needed service, would not detrimentally effect the neighbouring properties, and would not create any traffic problems. On July 9th, the Planning and Development Committee recommended that the application be approved, subject to site plan approval. The property is to be zoned "C", with a provision for a day nursery of up to 60 children.

Again, the inflexible nature of the existing zoning restrictions on day nurseries is illustrated.

AECE Submission

In 1978, the Association for Early Childhood Education presented a brief to the Planning Subcommittee on Residential Care Facilities. This brief argued that under no circumstances should day nurseries be limited to 25 children:

- o 25 children was too small a number for a "quality daycare" with the best staff and facilities.
- o Converted residences represent the most "homelike" environment for children. Day nurseries in churches or schools were more "institutional".
- o Community-based child care should be encouraged, owing to parental preferences and the removal of transportation subsidies.

In addition, the AECE criticized the provision limiting the play area to the rear yard. They argued that the front and side yards also should be allowed to qualify. If informal accommodation was sufficient (according to the Day Nurseries Act), the adoption of this suggestion would increase the capacities of day nurseries in converted residences.

In their concluding remarks, the AECE noted that the Hamilton Zoning By-law was "not nearly as permissive as it first appears."

The Buchanan Petition

In February 1986, the Building Department received a "quasi-petition", from residents of the Buchanan community, objecting to the establishment of a day care centre at 116 Laurier Avenue.

Mrs. Anne Weiss, one of the instigators of the petition outlined the concerns of local residents in an October 1986 interview:

- o The day care centre would create traffic congestion especially when the children were being dropped off or picked up. Noise from children on a quiet residential street with more than its share of elderly people. Old people are particularly sensitive to noise and may be bothered throughout the day, especially if they want to sit outside in summer.
- o This situation could be worsened in the future, if more day nurseries open up.
- o A number of day care centres, along with the residential care facility for mentally handicapped adults at 35 Laurier, was seen to present a threat to property values. This is a major concern among elderly people who will be considering selling their homes in the near future, in order to move into smaller dwelling units.

The Buchanan petition submits that the existing zoning by-law is seen to be too permissive.

Assessment

It is possible to conclude that in certain situations, the current Zoning By-law provisions are too restrictive. The Strathearne Ave. application demonstrates that a day nursery with more than 25 children is a reasonable use, if the need is there, if parking and congestion do not represent problems, and if a large lot is available.

Quiet residential streets present a different issue, however. The AECE and the Buchanan residents have different views about the appropriateness of day nurseries on such streets.

Clearly, it is desirable to minimize the impact of day nurseries on residential areas without excessively restricting this much needed community service.

6. ZONING FOR DAY NURSERIES IN OTHER MUNICIPALITIES

The question of how to deal with day nurseries in residential areas is not limited to Hamilton. Recognizing this, information was requested from a number of other municipalities on this issue. The information from those who replied is summarized in Table 5-1. It is apparent that municipalities approach the issue of day nurseries in residential areas in three basic ways:

- o those that do not have day nurseries as a permitted use, meaning that the establishment of each day nursery requires a separate zoning amendment (St. Catharines).

- o those that permit day nurseries in churches, schools and community centres only (Etobicoke, Brampton, Stoney Creek, Dundas, London).
- o those that permit day nurseries in converted residences, subject to certain restrictions (Brantford, Burlington, Kitchener).

The restrictions associated with the last of these include the following:

- o parking (Brantford, Kitchener, Burlington):
 - prevents the traffic congestion created by on-street parking
 - limits the size of day nurseries located in areas with other parking provisions (e.g. no parking in the front yard of a residential dwelling).
- o which yard(s) may be the play area (Brantford, Kitchener):
 - reduces noise
 - limits the capacity of day nurseries, since all must conform to the 5.6 m² of play area per child standard.
- o lot line provisions (Burlington):
 - limits day nurseries to the periphery of areas zoned for single family or semi-detached residential, or to areas that abut parks or institutional uses.
- o restriction to major roadways (Kitchener):
 - keeps day nurseries off quiet residential streets
- o separation (Kitchener):
 - reduces the density of day nurseries.
- o lot width (Burlington)
 - limits day nurseries to large lots, preventing, for example, the opening of small day nurseries in town houses.

It is hoped that the removal of certain existing restrictions, combined with the adoption of some of the above, would lead to zoning regulations that take into account both the need for extra child care facilities and the conflicting community concerns outlined in Section 4.

TABLE 2
ZONING FOR DAY NURSERIES IN 11 ONTARIO CITIES
DAY NURSERIES IN RESIDENTIAL AREAS¹

<u>Municipality</u>	<u>Permitted in residential structures</u>	<u>Permitted in institutional structures</u>	<u>Only permitted after Zoning amendment</u>	<u>Restrictions, if permitted in Residential Structures</u>
Brantford		X	X ²	Day nurseries may only locate in single family homes Parking - 1 space per 30.0 m ² of play room floor area Front yard may not be used as play area.
St. Catharines		X		
Etobicoke		X		
North York		X		
Brampton		X		
Stoney Creek		X		
Dundas		X ³		
Burlington	X	X		Not permitted in high density residential zones (above RL3-7) Parking: "place of assembly provisions (1 space per 6 people) Lot width - 60 foot minimum Lot line provisions - in single and semi-detached zones, at least 2 lot lines must abut another zone (public lands, school, park, etc.)
London		X ⁴		
Kitchener	X	X		Not permitted in residential zones R2, R2B, R2A Not permitted on minor residential streets in R3 zone Separation of 250 m Parking - 1 space for each 10 children accommodated at one time, plus one for the facility Loading - a safe off-street loading area if on a collector or arterial roadway
Hamilton	X			Not more than 25 children Play areas restricted to rear yards

Notes on Table 2:

- 1 Areas zoned residential and adjacent institutional zones.
- 2 Only permitted in underutilized school space.
- 3 Only non-profit day nurseries are permitted to operate in
residential zones, due to the wording of the Dundas Official Plan.
- 4 Only permitted in institutions within residential zones, and only if
the day nursery is on ancillary use.

7. CONCLUSIONS

POLICY GUIDELINES

From the work presented in Sections 2 and 4, we can establish the following guidelines for land use policy pertaining to day nurseries:

- o Given the substantial unmet need for child care facilities in Hamilton, land use policy should encourage the establishment of more day nurseries.
- o Day nurseries are poorly distributed, particularly if we accept that community-based child care is a desired option. Land use policy therefore should support the establishment of more such facilities in underserved areas. This does not mean, however, that restrictions should be more relaxed in one neighbourhood than in a similar neighbourhood elsewhere.
- o Other groups have expressed concern about day nurseries in residential areas. Land use policy, therefore should take into account the noise and traffic problems associated with child care facilities.
- o Workplace child care represents an alternative that also should be supported. Child care facilities therefore should be permitted in industrial and commercial areas.

Assessment of Official Plan

- o As indicated in Section 3, the Hamilton Official Plan allows for a great deal of flexibility in the location of day nurseries. A specific policy on this subject is not included, however.

Conclusion 1 and 2:

That a public meeting should be held to discuss the following recommendations contained in this report:

As part of the Official Plan's five year review, explicit policy statements should be added to Sections A.2.3 (Industrial Uses) and A.2.4 (Open Space) permitting day nurseries in these land use designations. This would make day nurseries a permitted use in all designations except for utilities and open water. Such policies should be in keeping with those outlined in Section A.2.6 - Major Institutional Uses.

Submission from the public should be invited for review by the Planning and Development Committee. At the same time, a new policy should be added to Section A.2.6 of the Official Plan, encouraging day nurseries where:

- parking is readily available
- a drop-off/pick-up zone could be provided
- substantial noise and traffic problems would not be created

Assessment of Zoning By-law

- o The definition of "day nursery" in the Zoning By-law does not conform to that found in the provincial legislation. This discrepancy should be eliminated.

Conclusion 3:

The definition of "day nursery" in the Zoning By-law should be amended in accordance with the Day Nurseries Act to the following;

"A premises that receives more than five children who are not of common parentage, primarily for the purpose of providing temporary care, or guidance, or both temporary care and guidance, for a continuous period not exceeding twenty-four hours, where the children are:

(i) under eighteen years of age in the case of a day nursery for children with a developmental handicap, and

(ii) under ten years of age in all other cases,

but does not include,

(iii) part of a public school, separate school, private school or a school for trainable retarded children under the Education Act, or

(iv) a place that is used for a program of recreation and that is supervised by a municipal recreation director who holds a certificate issued pursuant to section 10 of the Ministry of Culture and Recreation Act".

- o The Hamilton Zoning By-law is somewhat more restrictive than the Official Plan, in that day nurseries are not permitted in certain industrial and commercial zones. These restrictions should be removed.

Conclusion 4:

The Zoning By-law should be amended to identify day nurseries as a permitted use in all zoning districts, except "A" (Open Space), "F" (Special Waterfront); G-3 (Parking) and "L" (Planned Development).

- o The Zoning By-law currently limits day nurseries in residential and certain commercial areas to 25 children.

In local residential areas 25 children may adversely affect the surrounding area in the terms of noise and traffic. In addition, a day nursery with 25 children is more of an institutional use than a small scale neighbourhood operation. Therefore, on local residential streets a maximum of 10 children should be permitted in a day nursery.

With a maximum of 10 children, day nurseries can remain in residential areas as a home occupation or a small scale operation. The noise and traffic created by a day nursery of this size is not above and beyond what can be expected in a residential area along local streets.

Since residential areas along arterial roads have a higher tolerance to noise and traffic, day nurseries in these areas should be exempt from the proposed 10 child limit.

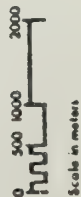
In other areas (non-residential areas) a day nursery, of any size should be compatible with surrounding land use or traffic activity. In these areas, the current limit of 25 children should be removed. The size of the day nursery will then be determined by the size of the structure, the amount of play space and parking. This revised requirement will provide flexibility for establishing day nurseries of any size, in appropriate locations through the City.

Conclusion 5:

The Zoning By-law should be amended as follows:

- In residential areas (areas zoned B, B-1, B-2, C, R-4, D, DE, DE-2 and DE-3) day nurseries should be limited to a maximum of 10 children. This restriction should not apply to day nurseries in schools, churches or community centres.
- In residential areas (areas zoned B, B-1, B-2, C, R-4, D, DE, DE-2 and DE-3) along major roads (as defined on Schedule F of the Hamilton Official Plan and shown on Map 2) there should be no limit on the number of children permitted in a day nursery.
- In all other zoning districts in which day nurseries are permitted, there should be no limit to the number of children attending the day nursery. In these cases, the number of permitted children will be determined by the Day Nurseries Act which requires 5.6 m² of outdoor play space and 2.8 m² of indoor play space for each child.
- In the cases of a converted dwelling used as a day nursery, the "play area" should be restricted to the rear yard.

Map 2



Existing Day Nurseries which do not comply to these revisions will be permitted to continue to operate as a "Legal Non-Conforming Use" and therefore will not be required to meet any revisions to the Zoning By-law in order to remain in operation. However, an expansion of an existing Day Nursery must comply with any new zoning provisions.

- o The Official Plan indicates that parking and loading restrictions should apply to day nurseries in residential areas. To improve safety and reduce traffic congestion, such restrictions should apply to all day nurseries. The following is proposed.

Conclusion 6:

The Zoning By-law should be amended to require day nurseries to have an on-site loading zone or parking area for motorists to drop off and pick up children. Such a zone should accommodate 1 car per 6 children at any one time, and should be designed in such a way so to ensure that vehicles enter the street in a forward manner. This should include provisions for staff parking.

- o New Day Nurseries may or may not be subject to Site Plan Control, since Site Plan Control is only applicable to certain zoning districts. Since it is proposed that large Day Nurseries are to be restricted to Major Roads the location of accesses should be controlled to ensure a minimal impact on existing traffic flows. In addition, controls may be necessary to ensure parking and play areas are properly located on the property. Therefore, Site Plan Control should be applicable to all Day Nurseries over the ten child limit as follows:

Conclusion 7

Site Plan Control should be applied to all new Day Nurseries with more than ten children, as well as for the expansion of existing Day Nurseries regardless of zoning district.

APPENDIX: DAY NURSERIES IN HAMILTON

In October 1986, all day nurseries in Hamilton were contacted, with the exception of Junior kindergartens and centres for the handicapped. The Community Information Services 1986/87 listing represented the chief source of information.

<u>Questions asked</u>	<u>Type of Response</u>
1. What is your capacity	Number
2. What is your enrolment	Number
3. How many children are on subsidy	Number
4. Are you full right now	Yes/No
5. If yes, what is your waiting list	Number
6. Is your centre work-related	Yes/No
7. What type of structure are you located in	Residence/converted residence, institutional, commercial building.

Information on hours of operation and the ages served was provided by the Community Information Service.

Questions 2 and 3 posed some difficulties, in that it was necessary to consult the Director and consult records. These questions were deleted, in order to do the survey quickly.

Question 5 posed similar difficulties. As well, there are a wide variety of waiting list policies. Therefore, this question was deleted also.

RESULTS

TABLE A-1: STRUCTURE TYPES

Residence/converted residence	15
School/church/community centre	30
Purpose built	<u>8</u>
	53

Including one built as a combination day nursery/residence.

TABLE A-2: ZONING STATUS OF DAY NURSERIES IN RESIDENCES OR CONVERTED RESIDENCES

Under 26 children	8
Over 26 children	
- In zones with 25 limit, but with spot zoning change	2
- In zones with 25 limit, non-conforming	4
- In zones without the 25 limit	<u>1</u>
	15

TABLE A-3: TYPES OF DAY NURSERIES

	Time Open Before and After School				
	<u>Days</u>	<u>Half Days</u>	<u>School</u>	<u>24 Hours</u>	<u>Total</u>
Infants	1 (1.9)	0	0	0	1 (1.9)
Preschoolers and infants	5 (9.4)	0	0	1 (1.9)	6 (11.3)
Preschoolers	20 (37.7)	16 (30.2)	0	1 (1.9)	37
Preschoolers and school age	6 (11.3)	0	0	0	6 (11.3)
School age	0	0	3 (5.7)	0	3 (5.7)
Total	32 (60.4)	16 (30.2)	3 (5.7)	2 (3.8)	53 (100)

TABLE A-4: LICENCED CAPACITY BY AGE

<u>Age Group</u>	<u>Licensed Capacity</u>
Infants	68
Preschoolers	2,173
School Age	<u>175</u>
	2,416

Six of the centres take both school age and preschool children. The survey did not distinguish between these groups. After discussing this with several day nursery operators, it was estimated that 5% of the preschool figure really are school age children.

2,173 = 95% of 2,294

TABLE A-5: CHILD CARE PLACES AVAILABLE BY AGE

	<u>Licensed Capacity</u>	<u>Enrollment</u> ¹	<u>Population</u> ²	<u>Enrollment as % of population</u>
Infants	68	81	0-1 = 5,615	1.4
Preschoolers	2,173	2,564	2-5 = 14,206 ⁴	18.0
School Age	<u>175</u>	<u>203</u>	6-12 = <u>25,396</u>	<u>0.8</u>
	2,416	2,848	45,217	6.3

¹ Slightly higher than capacity, since different children may be there at different times. Finding the figures for all day nurseries turned out to be a too time consuming task. Provincial ratios between enrollment and licensed capacity therefore were utilized to provide an estimate.

² 1985 Assessment figures.

³ This figure is slightly overestimated, since "infant" means under 18 months, not 24.

⁴ This figure should be larger, because it does not include children from 18-24 months.

TABLE A-6: WORK AND COMMUNITY BASED DAY NURSERIES

Work Related

Yes 8 (2 hospitals, 6 educational institutions)

No 45

53

Formal association with a place of work.

REFERENCES

Association for Early Childhood Education, Hamilton Branch (1978):
Submission to Planning Sub-Committee on Residential Care Facilities,
Hamilton

Bureau of Municipal Research (1981): Work-Related Day Care - Helping to
Close the Gap, Toronto

Single Mothers Against Poverty (1983): A Survey of Single Mothers in
Hamilton, Hamilton

Social Planning and Research Council of Hamilton and District (1971):
Report of a Survey on the Need for Day Care for Children in Hamilton,
Hamilton

Social Planning and Research Council of Hamilton and District (1978): The
Utilization of Day Care Services in Hamilton-Wentworth, Hamilton

Social Planning Council of Metropolitan Toronto (1984): Measuring Day
Case Need: The Numbers Game, Toronto

Status of Women Canada (1985): Child Care Needs of Parents and Families
(Background Report 9, Task Force on Child Care), Ottawa

JD:nd/cs

W.P. Doc. 2953P



CITY COUNCIL
HAMILTON, CANADA

Brian Hinkley
Executive Alderman

71 MAIN STREET WEST L8N 3T4 • (416) 526-2730 • RES. (416) 572-7500 — WARD 3

TO: Mrs. Susan Reeder
Secretary
Planning and Development Committee

FROM: Alderman Brian Hinkley

DATE: March 2, 1988

RE: COMMUNITY TASK FORCE TO REVIEW THE MANDATE
AND STRUCTURE OF THE HAMILTON HARBOUR COMMISSION

At the February 24, 1988 meeting of the Planning and Development Committee, it was suggested that I submit to the next Committee meeting, a recommendation with respect to the above.

Please find enclosed for the information of the Committee, the following:

1. An announcement with respect to an address I gave on April 30, 1987, on the Hamilton Harbour.
2. A copy of the above-mentioned address.
3. A Spectator article dated May 1, 1987.
4. A copy of a sample letter sent to various organizations with an interest in the Harbour.
5. Various replies from some organizations.
6. A further response by me to various organizations.
7. A copy of an article by Tami Paikin Nolan, January, 1988.
8. Various correspondence from John Agro and myself.

In view of all the above, the following is being recommended:

1. That City Council re-establish the Harbour Committee as a full nine member special committee of Council.
2. That City Council establish a single-purpose community task force to review the mandate and structure of the Hamilton Harbour Commission, and the Hamilton Harbour Commissioners' Act.
3. The purpose of the review is to determine if the present mandate, structure and legislation in which the Hamilton Harbour Commission operates is best suited to meet the community needs and directions for the future development and control over the operations of Hamilton Harbour.
4. That the Chief Administrative Officer, in conjunction with the necessary City officials, ensure that the required support staff is provided for the Harbour Committee and the Task Force.
5. That the Task Force will report to the Harbour Committee on a regular basis.
6. That the Task Force shall determine their own method of proceeding and shall determine their own Chairman and structure.
7. That the Task Force shall conclude their review and submit their recommendation no later than September 30, 1988.
8. That the following organizations be requested to submit the name of one representative to sit on the Task Force:
 - The City of Hamilton
 - The Hamilton Harbour Commission
 - The City of Burlington
 - The Region of Hamilton-Wentworth
 - The Hamilton Region Conservation Authority
 - The Royal Botanical Gardens
 - The Conservator Society of Hamilton and District Inc.
 - The Steel Company of Canada
 - Dominion Foundries
 - The Provincial Ministry of the Environment
(Hamilton Branch)
 - Stakeholders Group "Dialogue on Hamilton Harbour"
 - Royal Hamilton Yacht Club
 - Leander Yacht Club
 - Macassa Bay Yacht Club
 - North End Residents Association

1.

HAMILTON HARBOUR

AN ADDRESS BY

BRIAN HINKLEY, EXECUTIVE ALDERMAN

CITY OF HAMILTON

Alderman Hinkley will speak on the historical development of Hamilton Harbour and its influence on Hamilton's economy, recreation, health and the environment.

Mr. Hinkley will also discuss the political and management control over the harbour's future.

PLACE: First Place (3rd Floor)
300 King Street East

TIME: 7:00 o'clock p.m.

DATE: Thursday, April 30th

If you plan to attend, please call Liz at 526-2730.

GOOD EVENING LADIES AND GENTLEMEN:

2.

IT IS MY PLEASURE TO HAVE THIS OPPORTUNITY TO ADDRESS THE FIRST PLACE HAMILTON MEN'S FELLOWSHIP CLUB.

AS YOUR ALDERMAN, I HAVE ENJOYED THE RELATIONSHIP THAT I HAVE DEVELOPED WITH THE RESIDENTS AND MANAGEMENT OF FIRST PLACE OVER THE PAST ELEVEN YEARS.

I HAVE BEEN INVOLVED IN MANY DIFFERENT LOCAL ISSUES AFFECTING OUR COMMUNITY, AND THE CITIZENS WHO LIVE HERE , WORK HERE AND CHOSE HAMILTON AS THEIR HOME.

HAMILTON IS ONE OF THE MOST BEAUTIFULLY LAID OUT CITIES IN NORTH AMERICA. WHILE MANY CITIES ARE FLAT OR LOCATED BESIDE WATER OR MAY HAVE HILLS AND VALLEYS, VERY FEW HAVE ALL OF THESE PHYSICAL CHARACTERISTICS THAT WE ARE SO FORTUNATE TO BE BLESSED WITH.

WE ARE VERY LUCKY TO HAVE AN ESCARPMENT WITH VALLEYS, CREEKS, CONSERVATION AREAS AND A BEAUTIFUL LAKE. FARMLAND IS NO MORE THAN 10 MINUTES AWAY. ONE OF HAMILTON'S MOST IMPORTANT NATURAL FEATURES IS HAMILTON HARBOUR. AND THAT IS WHAT I WOULD LIKE TO TALK TO YOU ABOUT THIS EVENING.

I WILL BE TALKING TO YOU TONIGHT ABOUT HAMILTON'S DEVELOPMENT IN RELATIONSHIP TO THE HARBOUR.

TO UNDERSTAND HOW WE HAVE REACHED THIS POINT IN OUR HISTORY, IT IS IMPORTANT TO LOOK AT THE HISTORICAL DEVELOPMENTS THAT HAVE SHAPED THE FABRIC OF HAMILTON.

I WILL START AT A POINT IN TIME JUST AS THE WHITE MAN STARTS TO HAVE AN IMPACT ON THIS AREA AND I WILL SWIFTLY TAKE YOU THROUGH THE YEARS TO THE PRESENT. IT IS MY HOPE THAT I WILL BE ABLE TO DEMONSTRATE TO YOU HOW POLITICAL DECISIONS, POLITICAL STRUCTURES AND LOCAL ELITES HAVE SHAPED THE PRESENT STATE AND CONDITION OF HAMILTON HARBOUR.

I WILL ALSO LAY BEFORE YOU A PROPOSITION THAT THE PRESENT POLITICAL AND MANAGEMENT STRUCTURE DOMINATING THE HAMILTON HARBOUR, HAS SERVED A VERY USEFUL PURPOSE ECONOMICALLY BUT NO LONGER SERVES THE OVERALL BEST INTERESTS OF THIS COMMUNITY.

AND FINALLY I WILL CONCLUDE BY PRESENTING AN ALTERNATIVE TO YOU TONIGHT THAT I WILL BE PRESENTING TO THE CITY AND REGIONAL COUNCILS AT A FUTURE DATE.

"MACASSA BAY" WAS THE NAME THAT THE PEACEFUL NEUTRAL INDIANS GAVE THIS BODY OF WATER. TRANSLATED, IT MEANS "BEAUTIFUL WATERS" OR "SHINING WATERS". IT WAS LATER KNOWN AS LAKE GENEVA BY THE LOCALS BETWEEN 1780 - 1840. THE HARBOUR THEN BECAME KNOWN AS BURLINGTON BAY. AND WELL, SOME FOLKS ACROSS THE WAY MAY INSIST IT IS STILL KNOWN AS BURLINGTON BAY, IT IS HAMILTON HARBOUR.

MAYBE, JUST MAYBE, SOMEDAY WE COULD CALL THIS BODY OF WATER ONCE AGAIN MACASSA BAY.

BUT FIRST OF ALL LETS FIND OUT HOW WE ARRIVED AT OUR PRESENT CONDITION.

IT WAS THE AMERICAN REVOLUTION AND ITS AFTERMATH, INCLUDING THE WAR OF 1812, THAT LAID THE FOUNDATION FOR THE EARLY DEVELOPMENT IN OUR REGION. REFUGEE LOYALISTS WERE ATTRACTED TO THE SETTLEMENTS OF DUNDAS AND ANCASTER TO EXPLOIT THE MILLING POTENTIAL OF THE SWIFT FLOWING SPENCER'S CREEK AND ANCASTER CREEK RESPECTIVELY. GOVERNOR SIMCOE REINFORCED THE DEVELOPMENT OF THE DUNDAS AREA BY BUILDING A MILITARY ROAD FROM THE END OF THE MARSH IN BURLINGTON BAY TO THE NIAGARA. THIS MILITARY ROAD, BEGUN IN 1793, WAS DESIGNED TO MAINTAIN LINKS WITH THE INTERIOR OF THE CONTINENT SHOULD THE NIAGARA FRONTIER FALL TO THE AMERICANS. IT HAS THE EFFECT OF EMPHASIZING DUNDAS AS THE OUTFITTING AND FORWARDING TOWN FOR THE INTERIOR.

THE 1812 WAR PROVIDED THE "TAKE-OFF" FOR THE DEVELOPMENT OF HAMILTON ITSELF, AN AREA PREVIOUSLY AND SPARSELY POPULATED BY SQUATTER FARMERS.

TWO POST WAR POLITICAL DECISIONS OF THE GOVERNMENT OF UPPER CANADA STIMULATED THE DEVELOPMENT OF THE NEW COMMUNITY OF HAMILTON. FIRST, THE POLITICAL INFLUENCE OF GEORGE HAMILTON (AFTER WHOM THE CITY IS NAMED), HIS FATHER AND FORMER MEMBER OF THE LEGISLATIVE ASSEMBLY ROBERT HAMILTON, LOCAL MEMBER OF LEGISLATIVE ASSEMBLY JAMES DURAND, AND LOCAL WEALTHY MERCHANT NATHANIEL HUGHSON ENSURED THAT THE SITE FOR A NEW DISTRICT TOWNSHIP WOULD BE ON LAND OWNED BY HAMILTON AND FORMERLY OWNED BY DURAND.

SECOND, THE GOVERNMENT OF UPPER CANADA FINANCED THE DIGGING OF A CANAL THROUGH THE "BEACH STRIP" SAND BAR IN 1823 TO ENABLE MERCHANT VESSELS TO ENTER DIRECTLY INTO BURLINGTON BAY AND TO BERTH AT THE HAMILTON WATERFRONT. ALMOST IMMEDIATELY FOUR WHARVES WERE BUILT ON THE HAMILTON WATERFRONT, ALLIED WAREHOUSES CONSTRUCTED, AND HAMILTON SUPERSEDED DUNDAS AS THE STORAGE, OUTFITTING AND DISTRIBUTION CENTRE FOR WESTERN LAKE ONTARIO.

THE ADVENT OF STREAM RATHER THAN WATER DRIVEN MILLING, THE GROWTH OF BANKING AND INSURANCE COMPANIES, AND THE INCREASING IMPORTS AND EXPORTS PASSING THROUGH THE HARBOUR ALL LED TO THE ABSOLUTE AND RELATIVE GROWTH OF HAMILTON IN THE REGION DURING THE 1830'S AND 1840'S.

POLITICAL AND ECONOMIC FACTORS CREATED THE NEXT MAJOR DEVELOPMENTAL STAGE IN HAMILTON'S GROWTH. SIR ALLAN MACNAB, THE LOCAL MEMBER OF THE LEGISLATIVE ASSEMBLY, WAS AT THE CENTRE OF SUCCESSFUL ORGANIZED ATTEMPTS TO CONSTRUCT A RAILROAD FROM TORONTO TO BUFFALO THROUGH HIS LANDS ADJACENT TO THE HARBOUR.

THROUGH VARIOUS POLITICAL AND FINANCIAL MANEUVERS, THE RAILROAD WAS OPENED IN 1853 AND FULLY OPERATIONAL BY 1854. IT CONNECTED THE HARBOUR WITH THE RAIL NETWORK OF NEW-YORK AND THAT OF CENTRAL MICHIGAN, AS WELL AS CONNECTING HAMILTON TO ITS HINTERLAND AND THE CITY OF TORONTO. ONCE MORE, POLITICS AND POLITICAL INSTITUTIONS MADE VIABLE THE ECONOMIC GROWTH OF HAMILTON.

THE REMAINING YEARS BEFORE CONFEDERATION RESULTED IN A SHORT RUN BOOM AND GROWTH, AND A DECADE OF RECESSION AND DECLINE.

HAMILTON'S CITY FATHERS HAD SERIOUSLY MISJUDGED THE EFFECTS OF ECONOMIC COMPETITION FROM RIVAL AREAS AT HOME AND ABROAD.

AND THE GRAND TRUNK RAILROAD, DELIBERATELY BY-PASSING HAMILTON, CONSOLIDATED THE DOMINANCE OF TORONTO AND MONTREAL AS THE MAJOR IMPORT-EXPORT CENTERS OF THE UNITED COLONIES (NOW KNOWN AS ONTARIO AND QUEBEC). THE HAMILTON AREA WOULD NEED MAJOR HELP TO EXPLOIT THE POTENTIAL OF ITS HARBOUR AND WATERSHED AND TO MAINTAIN EMPLOYMENT FOR ITS LESSENING POPULATION. POLITICAL EVENTS IN AND OUTSIDE THE REGION IN THE NEXT 50 YEARS WOULD PROVIDE SUCH HELP.

THE PERIOD FROM CONFEDERATION TO THE END OF THE FIRST WORLD WAR REPRESENTED THE MAJOR YEARS OF GROWTH AND CONSOLIDATION OF HAMILTON AS AN INDUSTRIAL AND COMMERCIAL CENTRE. IT WAS THIS PERIOD WHEN THE HEAVY INDUSTRY OF HAMILTON BECAME FIRMLY ESTABLISHED, AND WHEN THE HARBOUR BECAME SIGNIFICANT AS A SITE FOR INDUSTRIAL LOCATION AND AS AN IMPORT-EXPORT DOCKING CENTRE. BUT THESE CHANGES WOULD NOT HAVE OCCURRED WITHOUT MAJOR POLITICAL EVENTS, ESPECIALLY NATIONAL TARIFF POLICY AND (OF COURSE) WORLD WAR I. THE SMALL TOWN SERVICE CENTRE OF 27 000 PEOPLE BECAME AN INDUSTRIAL CENTRE OF QUADRUPLLED SIZE.

HAMILTON'S INDUSTRIAL BASE AT CONFEDERATION WAS ESTABLISHED AND LINKED TO THE IRON INDUSTRY, WITH THE MANUFACTURE OF STOVES AND FARM IMPLEMENTS AS WELL AS THE REROLLING OF IMPORTED RAILWAY TRACKS THE MAJOR

ELEMENTS. CITY POLITICIANS AND BUSINESS ELITES CONSPIRED FOR THE GROWTH OF EXISTING BUSINESS. THE POLICIES OF THE FEDERAL GOVERNMENT WERE ALSO SIGNIFICANT IN EXPANDING THE IRON AND STEEL INDUSTRY. VARIOUS APPLICATIONS OF DUTIES, PROTECTIVE TARIFFS, IRON ORE FROM LAKE SUPERIOR, INCLUDING RELATIVELY CHEAP RAIL AND WATER TRANSPORTATION ALLOWED THE MANUFACTURING SECTOR TO GROW.

THE EXPANDING AGRICULTURAL ECONOMY INCLUDING NOW THE EMERGING PRAIRIE LANDS ADDED FURTHER GROWTH.

THE SUCCESS OF THESE MOVES ATTRACTED THE HAMILTON BLAST FURNACE COMPANY AND LED THE CITY TO GRANT TEN YEAR TAX CONCESSIONS ON ANY NEW INDUSTRIES AND EVEN GREATER BONUSES FOR SPECIALLY FAVOURED COMPANIES, LIKE THE JOHN BIRGE COMPANY WHICH IS THE FORERUNNER OF THE STEEL COMPANY OF CANADA.

THE EARLY MONTHS OF WORLD WAR I DISRUPTED EUROPEAN DEMAND FOR AGRICULTURAL PRODUCTS AND THE DERIVED DEMAND FOR FARM IMPLEMENTS, AND DEEPENED THE EMERGING ECONOMIC RECESSION OF THE TIMES. BY 1915, HOWEVER, THE PRODUCTION OF MUNITIONS, FARM PRODUCTS FOR WAR-TORN EUROPE AS WELL AS FOR TROOPS, AND MILITARY RECRUITMENT ITSELF SHARPLY REDUCED UNEMPLOYMENT AND CONTRIBUTED TO THE CONTINUING RESTRUCTURING OF THE ECONOMY FROM A SMALL SERVICE CENTRE TO A LARGE INDUSTRIAL CENTRE THAT COULD CAPITALIZE ON POLITICAL EVENTS AND ARRANGEMENTS BEYOND ITS BOUNDARIES.

AS PRESSURE FOR INDUSTRIAL LOCATION ADJACENT TO THE HARBOUR WATERS GREW, THE MUNICIPALITY SUCCESSFULLY PETITIONED THE FEDERAL GOVERNMENT TO OPERATE THE NAVIGATION AND SHIPPING FUNCTION OF THE PORT. IN 1912, THE NEW HAMILTON HARBOUR COMMISSION WAS ESTABLISHED, WITH TWO FEDERAL AND ONE MUNICIPAL APPOINTEES TO ITS BOARD OF COMMISSIONERS. THE NEW COMMISSION EMBARKED ON LAND RECLAMATION AS WELL AS EXPANDED WHARFAGE, AND SIX DECADES LATER A PERIOD OF CONFLICT WOULD SURFACE WITH ALTERNATIVE GOALS OF THE PRESENT MUNICIPAL GOVERNMENT. BUT LATER YEARS BROUGHT FEWER STRUCTURAL CHANGES TO THE REGION'S ECONOMY UNTIL THE PRESENT.

HAMILTON'S ECONOMY CONTINUED TO GROW AND READJUST TO PEACE TIME CONDITIONS, UNTIL THE GREAT DEPRESSION HIT US IN THE 1930'S.

ONCE MORE THE "WORST KIND" OF POLITICAL EVENT, ANOTHER WORLD WAR, WAS TO REVIVE THE REGIONAL ECONOMY AND CREATE GROWTH AND DEVELOPMENT IN PRODUCTION AND EMPLOYMENT. GROWTH OCCURRED IN PRECISELY THOSE SECTORS THAT HAD PROFITED FROM WORLD WAR I.

THE TRADITION OF USING POLITICAL INSTITUTIONS FOR ECONOMIC GAIN AND DEVELOPMENT MANIFESTED ITSELF MOST NOTABLY IN THE ACTIVITIES OF THE HAMILTON HARBOUR COMMISSIONERS. DURING THESE YEARS THE COMMISSIONERS BEGAN AN AGGRESSIVE POLICY FOR EXPANSION AND DEVELOPMENT THAT RESTED ON TWO COMPLEMENTARY STRATEGIES. FIRST, THE COMMISSIONERS WANTED TO SEE A LARGE SCALE EXPANSION OF THE PORT ACTIVITIES, BUT AT NO COST TO THE SHIPPING INDUSTRY ITSELF. SECOND, THE COMMISSIONERS WISHED TO USE THEIR LANDS AND

WATER LOTS AS CONVENIENT SITES FOR INDUSTRIAL DEVELOPMENT, FULLY COGNIZANT OF PREVIOUS INFILLING AND THE DEMAND FOR SPACE NORTH OF THE ESCARPMENT. BOTH STRATEGIES WERE SUCCESSFUL.

SHIPPING ACTIVITIES IN THE HARBOUR INCREASED SPECTACULARLY. ONE MEASURE OF SHIPPING ACTIVITIES IS TONNAGE IMPORTED AND EXPORTED, AND THESE WERE A TRIVIAL 80 000 TONS IN 1925. BY 1931, THEY EXCEEDED 1-1/2 MILLION TONS, WERE OVER 2 MILLION TONS IN 1935, 2-1/2 MILLION TONS IN 1938, AND 3-1/4 MILLION TONS BY 1945.

THE INDUSTRIAL LOCATION STRATEGY WAS ALSO SUCCESSFUL AND LINKED TO INCREASED CARGO FLOWS IN THE HARBOUR. THE COMMISSIONERS BUILT TWO MORE PUBLIC WAREHOUSES IN 1924 AND 1927, AND ENJOYED A USEFUL RENTAL INCOME OF ALMOST \$15 000 IN 1938 FROM LAND RECLAIMED AND INFILLED FOR DEVELOPMENT. MORE IMPORTANT, THE COMMISSIONERS SOLD WATER LOTS TO PRIVATE INTERESTS TO UNDERTAKE THE DEVELOPMENT OF PRIVATE DOCKS. LOTS WERE SOLD TO CANADA STEAMSHIP LINES (23 ACRES), STELCO (28 ACRES), CANADIAN NATIONAL RAILWAYS (3 ACRES), OTIS ELEVATORS (29 ACRES) AND HAMILTON BY-PRODUCTS (8 ACRES). STELCO WOULD SPEND \$8 MILLION ON ITS BULK MATERIALS DOCK; CANADA STEAMSHIP LINES SOME \$2 MILLION ON EXPANSION AT ITS TERMINAL; AND HAMILTON BY-PRODUCTS SOME \$1-1/2 MILLION ON ITS NEW DOCK. THE TERMS OF THE SALES WERE GENEROUS TO THESE COMPANIES. LOTS AVERAGED ONLY \$50 PER ACRE, EXCEPT FOR STELCO WHICH PAID \$250 PER ACRE. ONCE AGAIN, POLITICAL INSTITUTIONS PROVED ACCESSIBLE AND GENEROUS TO HAMILTON'S INDUSTRIAL ELITES.

DURING THE 1950'S, SOME \$60 MILLION WERE SPENT ON HARBOUR IMPROVEMENTS.

UP TO THIS POINT IN TIME THE CITIZENS OF HAMILTON AND THE SURROUNDING COMMUNITIES; FROM A RECREATIONAL, HEALTH, PLEASURE BOATING, AND ENVIRONMENTAL ASPECT, TOOK THE HARBOUR FOR GRANTED.

THE HARBOUR AND LAKEFRONT WAS USED FOR SWIMMING, FISHING AND BOATING AND OTHER PLEASURE ACTIVITIES.

HOW MANY OF YOU CAN REMEMBER THE SUNDAY PICNICS AT LA SALLE PARK OR SWIMMING AT BURLINGTON BEACH. DO YOU REMEMBER THE LONG LINES OF TRAFFIC ON THE BEACH STRIP AND THE MANY DAYS AND NIGHTS AT THE AMUSEMENT PARK.

THE HARBOUR GAVE BIRTH (BERTH) TO MANY BOATS THAT TOOK SHORT CRUISES AROUND THE BAY AND TO POINTS ON LAKE ONTARIO.

MOST OF US WILL REMEMBER THE LADY HAMILTON. SOME OF US HAVE HEARD OF THE MACASSA AND A FEW MAY HAVE HEARD OF THE MAZEPPA.

WITH SOME SADNESS THESE ARE ONLY FOND MEMORIES OF YESTERDAY. A WHOLE GENERATION IS NOW GROWING UP WITHOUT THE OPPORTUNITY TO EXPERIENCE ALL THAT THE HARBOUR COULD OFFER. BUT LETS GET BACK THE ACTIVITIES OF THE HARBOUR COMMISSIONERS.

THE COMMISSIONERS CONTINUED A VIGOROUS "PRIVATIZATION" OF WATER LOTS UNTIL THE MID 1970'S. THE MAJORITY OF WATER LOTS WERE SOLD TO STELCO AND DOFASCO, CULMINATING IN A POLITICALLY CONTENTIOUS "LAND SWAP" OF 106 ACRES OF LOTS FRONTING THE STEEL COMPANIES FOR 313 ACRES ON THE EASTERN SHORES

THAT THE COMMISSIONERS WISHED TO DEVELOP INDEPENDENTLY. SOME 40 ACRES OF WATER LOTS IN THE WESTERN HARBOUR THAT WERE LEFT IN 1959 WERE ULTIMATELY PURCHASED BY THE CITY GOVERNMENT. CITIZENS, THE CITY FATHERS ALONG WITH THE HAMILTON CONSERVATION AUTHORITY, BECAME INCREASINGLY OPPOSED TO THE DEVELOPMENTAL STRATEGIES OF THE COMMISSIONERS.

SINCE THE EARLY 1960'S THE CITIZENS OF HAMILTON HAVE COME TO REALIZE THAT IN THE PROCESS OF DEVELOPING THE HARBOUR FOR INDUSTRIAL, SHIPPING AND ECONOMIC PURPOSES, IT HAS BEEN ALL BUT DESTROYED ENVIRONMENTALLY.

THE HAMILTON HARBOUR COMMISSIONERS, BOTH PAST AND PRESENT CARRIED OUT AND FULFILLED THEIR MANDATE.

THE HARBOUR COMMISSIONERS MANDATE HAS REMAINED VIRTUALLY THE SAME SINCE 1912. WELL, A LOT HAS CHANGED IN 75 YEARS AND I BELIEVE IT IS TIME TO RE-EVALUATE THE USEFULNESS OF MAINTAINING THE SAME RESPONSIBILITIES IN THE FACE OF A CHANGED COMMUNITY WITH EXPANDED DESIRES.

HAMILTON HARBOUR IS AS MUCH AN ARTIFACT OF HUMAN DECISION MAKING AS IT IS A PRODUCT OF PHYSICAL, BIOLOGICAL AND NATURAL CHANGE. AS A PURELY NATURAL RESOURCE, THE HARBOUR AND THE WATERSHED HAVE BEEN ALTERED BY CONSTRUCTION, INFILLING, AND WASTES DISPOSAL, AND BY USE AS A SOURCE OF FOOD, WATER AND ENERGY. AS A CENTRE OF POPULATION AND ENTERPRISE, THE WATERSHED AS WELL AS THE WATERS HAVE PROVIDED ECONOMIC OPPORTUNITIES, OPPORTUNITIES FOR SETTLEMENT AND IMMIGRATION, AND LOCATIONS FOR INDUSTRY, COMMERCE AND TRANSPORTATION. NEITHER THE HARBOUR NOR THE WATERSHED BEAR MUCH RESEMBLANCE TO THE LANDS SPARSELY OCCUPIED BY REFUGEE FARMERS OF 200

YEARS AGO, NOR INDEED MUCH RESEMBLANCE TO THE SMALL COMMERCIAL TOWN WITH THE ABUNDANT TROUT AND HERRING FISHERIES OF 1867. BOTH THE RESOURCE AND THE SOCIO-ECONOMIC STRUCTURE HAVE BEEN FASHIONED AND DESIGNED BY HUMAN INVENTION. IN THIS SENSE, HAMILTON HARBOUR IS AN ARTIFACT OF HUMAN DESIGN.

THE HARBOUR HAS PROVIDED MUCH FOR THE CITIZENS OF HAMILTON AND THE SURROUNDING COMMUNITIES. THE ECONOMIC SUCCESSES ARE WELL DOCUMENTED. HOWEVER, THERE HAVE BEEN FAILURES.

THE ERRORS TO DATE ARE MANIFEST MOSTLY IN THE BIOLOGICAL COMMUNITIES OF THE HARBOUR ITSELF. PLANT, FISH AND OTHER BIOLOGICAL LIFE IN THE HARBOUR HAVE BEEN SEVERELY REDUCED IN NUMBERS AND IN KIND. NATURAL HABITATS HAVE BEEN REPLACED WITH LAND FILL AND CONCRETE. BOTTOM SEDIMENTS ARE COVERED WITH MUD, SILT AND CLAY THAT CONTAIN ALARMING PROPORTIONS OF HEAVY METALS AND TOXIC CHEMICALS. LARGER RESIDENT FISH SPECIES MAY HAVE A 1 IN 4 CHANCE OF CONTRACTING LIP CANCERS.

ERRORS IN DESIGN MAY EXTEND TO THE SOCIAL, ECONOMIC AND POLITICAL STRUCTURE OF THE COMMUNITY AND THE AUTHORITY OVER THE HARBOUR. IN DESIGNING AND RESPONDING TO WARTIME ECONOMIES AND PROTECTED MARKETS FOR CAPITAL GOODS, THE LOCAL ECONOMY HAS INCREASINGLY CONCENTRATED ON THE CAPITAL INTENSIVE MANUFACTURING SECTORS OF THE ECONOMY. THE OPPORTUNITIES AND BENEFITS HAVE NOT ALWAYS BEEN WEIGHED AND BALANCED BY THE LONGER RUN COSTS AND ENVIRONMENTAL DEGRADATION OF OUR HARBOUR. THE FUTURE OF A NEW STRUCTURE BASED ON A BROADER MANDATE, WITH EQUAL CONSIDERATION TO WATER QUALITY, RECREATIONAL PURSUITS AND GREATER SENSITIVITY TO COMMUNITY CONCERNS REMAINS UNCERTAIN.

AT THE PRESENT TIME, THERE IS A COMMUNITY DIALOGUE TAKING PLACE ON HAMILTON HARBOUR. THIS DIALOGUE BY RECOGNIZED STAKEHOLDERS IN THE HARBOUR, SPARKED AS A RESULT OF THE INTERNATIONAL JOINT COMMISSIONS COMMENTS WITH RESPECT TO THE GREAT LAKES WATER QUALITY, IS ONE OF THE MOST PROGRESSIVE STEPS TO DATE.

THE DIALOGUE IS PRODUCING CERTAIN GOALS AND OBJECTIVES FOR HAMILTON HARBOUR ALONG WITH A REMEDIAL ACTION PLAN FOR THE HARBOUR'S REJUVENATION.

THE STAKEHOLDERS HAVE ADOPTED CERTAIN GENERAL PRINCIPLES WHICH INVOLVE A HOLISTIC APPROACH TO SOLVING THE PROBLEMS AFFECTING THE HARBOUR BY INCORPORATING ECONOMIC, SOCIAL AND ENVIRONMENTAL FACTORS IN THEIR RECOMMENDATIONS -- IN SHORT THEY TOOK AN ECO-SYSTEM APPROACH.

FOUR OTHER AREAS OF CONCERN WERE ADOPTED WHEN DEVELOPING RECOMMENDED ACTIONS. THEY ARE HUMAN HEALTH, PUBLIC ACCEPTANCE AND SUPPORT, ACCESS AND AESTHETICS.

THE GOALS ARE TO BROADEN THE DESIRABLE USES OF THE HARBOUR BEYOND ONLY SHIPPING AND NAVIGATION. THESE ARE TO INCLUDE RECREATIONAL BOATING, SWIMMING, WILDLIFE HABITAT, AN EDUCATIONAL RESOURCE, BODY CONTACT SPORTS, FISHERY, INDUSTRIAL WATER SUPPLY AND A RECIPIENT OF ACCEPTABLE EFFLUENT.

THIS DIALOGUE IS ONE OF THE BEST INITIATIVES TAKEN TO DATE. IT IS OPERATING WITHIN CERTAIN CONSTRAINTS, HOWEVER, AND THEREFORE ITS POTENTIAL FOR TAKING STEPS WHICH WOULD IMPROVE THE HARBOUR FOR THE SOCIAL AND ECONOMIC BENEFIT OF OUR COMMUNITY AND ITS CITIZENS WILL NOT BE REALIZED.

AND THE MAJOR REASON WHY I SAY THESE BENEFITS WILL NOT BE REALIZED IS BECAUSE OF POLITICAL BARRIERS, JURISDICTIONAL DISPUTES, AND STRUCTURES THAT SPELL OUT CERTAIN MANDATES THAT CONFLICT WITH THE OVERALL COMMUNITY'S DESIRES.

SOME OF THE PLAYERS WHO HAVE LEGAL CONTROL AND/OR VESTED INTERESTS IN VARIOUS ASPECTS OF THE HARBOUR ARE CONSTRAINED BY THEIR MANDATE. NO ONE OR NO ONE BODY HAS OVERALL CONTROL OF THE HARBOUR. THE ONE BODY THAT DOES HAVE THE MAJOR CONTROL IS THE HAMILTON HARBOUR COMMISSION. THEIR MAJOR CONCERN IS SHIPPING AND NAVIGATION. WHEN OTHER INTERESTS CONFLICT WITH SHIPPING AND NAVIGATION, THE COMMISSIONERS HAVE NOT HESITATED TO CHALLENGE THESE INTERESTS IN ANY WAY POSSIBLE AT ALL COSTS. THE PAST LEGAL BATTLES BETWEEN THE CITY AND HARBOUR COMMISSION HAVE PRODUCED A LOT OF LEGAL FEES, HEARTACHE, ILL-WILL AND DELAYED THE POTENTIAL OF THE HARBOUR.

THE CITY OF HAMILTON, THE CITY OF BURLINGTON, THE ROYAL BOTANICAL GARDENS, THE REGIONS OF HAMILTON-WENTWORTH AND HALTON, THE FEDERAL AND PROVINCIAL MINISTRIES OF THE ENVIRONMENT AND MOST OF ALL THE CITIZENS THAT ALL THESE AGENCIES AND POLITICAL BODIES REPRESENT, HAVE A STAKE IN THE HARBOUR.

BECAUSE THIS IS SO, I BELIEVE SO MANY VESTED, AND IN SOME CASES
COMPETING INTERESTS, MUST BE REPRESENTED ON A NEW BODY TO MANAGE, OPERATE
AND CONTROL THE HARBOUR IN ALL RESPECTS.

I AM SUGGESTING THAT THE HAMILTON HARBOUR COMMISSIONERS
RESPONSIBILITIES AND MANDATE BE EXPANDED. THAT A NEW PORT AUTHORITY BE
CREATED WITH NEW TERMS OF REFERENCE THAT WILL INCLUDE AS WELL AS SHIPPING
AND NAVIGATION; THE RESPONSIBILITY FOR QUALITY OF WATER, RECREATIONAL
PURSUITS, HEALTH AND SAFETY (INCLUDING POLICING) AND ALL AREAS IDENTIFIED
BY THE STAKEHOLDERS REPORT. THIS BODY SHOULD BE RESPONSIBLE FOR THE
IMPLEMENTATION OF THE CITY'S WATERFRONT PARK DEVELOPMENT.

THIS NEW AUTHORITY WHICH I SHALL CALL "HAMILTON'S PORT AUTHORITY"
FOR DISCUSSION PURPOSES, SHALL HAVE REPRESENTATION FROM THE FEDERAL AND
PROVINCIAL GOVERNMENT THE CITIES OF HAMILTON AND BURLINGTON, THE REGIONS OF
HAMILTON-WENTWORTH AND HALTON AND ADVISORY GROUPS FROM VARIOUS SPECIAL
INTERESTS (I.E. INDUSTRY, R.B.G., ETC.)

I BELIEVE IT IS ABSOLUTELY IMPERATIVE IF WE ARE TO GET ON WITH THE
DEVELOPMENT OF THE HARBOUR WE MUST ADDRESS THE HARBOUR'S POLITICAL AND
MANAGEMENT STRUCTURE IN ORDER TO ACCOMPLISH THE TASKS AT HAND. IF THE
CITIZENS OF THE HAMILTON-BURLINGTON AREA, DESIRE A MORE ACCESSIBLE AND
ENVIRONMENTALLY ACCEPTABLE HARBOUR, A NEW POLITICAL MACHINERY MUST BE PUT
IN PLACE.

OUR CITIZENS CAN NO LONGER TOLERATE COURT BATTLES OVER RESPONSIBILITIES, JURISDICTIONAL DISPUTES BETWEEN HAMILTON AND BURLINGTON ARE NON-PRODUCTIVE. ISOLATED MANDATE THAT WERE ONCE APPROPRIATE 75 YEARS AGO NO LONGER SUIT THE DEMANDS OF TODAY. THE MIXED USES OF OUR HARBOUR IS BOTH DESIRABLE AND POSSIBLE. ALL WE NEED IS THE RIGHT DIRECTION AND THE WILL TO SEE IT THROUGH.

ALLOW ME TO CLOSE WITH A QUOTATION FROM ANNIE BESANT:

"KNOWLEDGE IS ESSENTIAL TO CONQUEST; ONLY ACCORDING TO OUR IGNORANCE ARE WE HELPLESS. THOUGHT CREATES CHARACTER. CHARACTER CAN DOMINATE CONDITIONS. WILL CREATES CIRCUMSTANCES AND ENVIRONMENT."

Harbor commission needs new mandate, says Hinkley

By NICK KREWEN
The Spectator

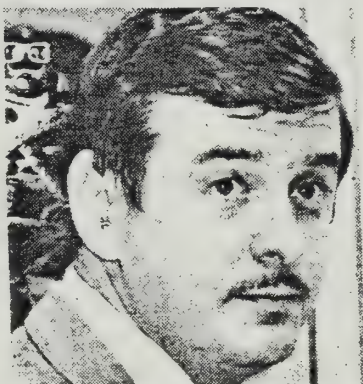
THE HARBOR commissioners should go, a city alderman says.

Ward 3 Alderman Brian Hinkley says the Hamilton Harbour Commissioners' mandate is outdated, and doesn't reflect the needs of Hamilton.

Mr. Hinkley, addressing 40 people at the First Place Hamilton Men's Fellowship Club last night, suggested replacing the commission with a port authority composed of about seven people.

He said it was important to centralize all activities involving with the harbor.

"If we have one body totally in charge of the harbor, we won't have competing and conflicting interests. We need one body in charge of the environmental quality of the water, policing, swimming, fisheries, ship-



Brian Hinkley: port authority
ping, navigation and pleasure boating."

• He said he had no qualms with the job the board of commissioners — now in its 75th year — is doing.

"They've carried out their mandate and they've done it well. I just feel it's time legislation was changed

and their mandate was changed. Now's the time to restructure."

Mr. Hinkley said although the board has made the harbor economically profitable and popular, it has done so at an environmental cost.

Little room

"Plant, fish and other biological life in the harbor have been severely reduced," he said. "Natural habitats have been replaced with landfill and concrete. Bottom sediments are covered with mud, silt and clay that contain alarming proportions of heavy metals and toxic chemicals. Larger resident fish species may have a one-in-four chance of contracting lip cancers."

Mr. Hinkley said the commissioners' main concern with shipping and navigating hasn't left a lot of room for other projects.



4.

July 15, 1987

Mr. Allen Paterson
Director
Royal Botanical Gardens
P.O. Box 399
Hamilton, Ontario
L8N 3H8

Dear Mr. Paterson:

For some number of years now many people in the Hamilton area have questioned the mandate of the Hamilton Harbour Commissioners. Hamilton Harbour is one of the "Bay Area's" finest natural resources. It is my belief, shared by many, that this wonderful Harbour is not being used or enjoyed by the community anywhere near its potential.

Many people believe that the Harbour should be controlled in all aspects by an authority or body representative of the community and people who desire a broader use of the Harbour. I believe the time has come to have a focused public discussion on the future direction of the management and control over this precious natural resource.

Before pursuing this matter further I am making a request to your organization to participate on a study team. This team would examine the usefulness of changing the present structure and mandate of the Hamilton Harbour Commission so that a new authority might better respond to the changing needs of this community.

If such a study team was established would your organization agree to participate by sending a representative?

I am enclosing for your further information a news article from the Hamilton Spectator dated May 1, 1987.

Should you require further information from me please do not hesitate to contact me at City Hall at 526-2730 or my home at 572-7500.

I would appreciate a response in writing to this concept.

Yours very truly,

Brian Hinkley
Executive Alderman
Ward 3

BH:sp
Enclosure

HAMILTON REGION CONSERVATION AUTHORITY



P.O. BOX 7099 — MINERAL SPRINGS ROAD
ANCASTER, ONTARIO L9G 3L3
Phone 525-2181 or 648-4427

October 8, 1987

File No. Hamilton Harbour

5

Brian Hinkley,
Executive Alderman,
City of Hamilton,
City Hall,
Hamilton, Ont.
L8N 3T4

Dear Mr. Hinkley:

Further to your letter dated July 15, 1987, please be advised that our full membership at a meeting held on October 1, 1987 adopted the following resolution:

"That the Conservation Authority support the establishment of a study team to review the present structure and mandate of the Hamilton Harbour Commissioners, subject to:

1. The City of Hamilton to be the preferred lead agency.
2. Broad representation on the study team with representatives from the major interested parties, including: The City of Hamilton, Regional Municipality of Hamilton-Wentworth, City of Burlington, Regional Municipality of Halton, Federal Government, Provincial Government, Royal Botanical Gardens, Hamilton Region Conservation Authority.
3. That the Harbour Commissioners be represented on the study team or be available as advisors."

In the discussion which lead up to the above resolution, members agreed that there is merit in a jurisdictional review in light of new clean up and recreation initiatives now contemplated for Hamilton Harbour. However, members stressed that a review would only be productive when all main players in the future of Hamilton Harbour are part of the study team.

A. H. McCOY
Chairman

A. STACEY
Vice-Chairman

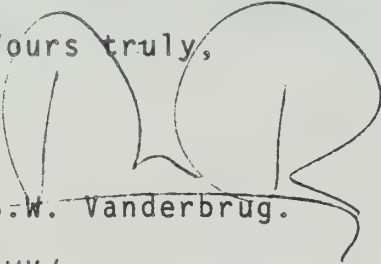
B. W. VANDERBRUG
General Manager

W. FULLER
Secretary-Treasurer

B. Hinkley -2- October 8, 1987

We would appreciate being kept up to date on further developments.

Yours truly,

A handwritten signature in dark ink, consisting of stylized, overlapping loops and a long horizontal stroke extending to the right.

B.W. Vanderbrug.

BWV/sg



THE REGIONAL MUNICIPALITY OF HALTON

P.O. BOX 7000
1151 BRONTE ROAD
OAKVILLE, ONTARIO L6J 6E1
416/827-2151

John E. Fleming
OFFICE OF THE CHIEF
ADMINISTRATIVE
OFFICER

1987 11 04

Alderman Brian Hinkley
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Alderman Hinkley:

Re: Hamilton Harbour Commissioners

Your letter of October 21, 1987, respecting a study team to review the mandate of the Hamilton Harbour Commissioners, has been referred to me by Mr. David Varley, Halton's Regional Clerk. I feel it more appropriate that the response come from my office.

Were the Council of the Regional Municipality of Hamilton-Wentworth to endorse the concept of reviewing the Hamilton Harbour Commissioners, and seek input from the Regional Municipality of Halton, I am sure Halton's Council would seriously consider participating in such a review. However, with respect, I do have some difficulty in responding positively or, indeed, in submitting the matter to Regional Council in the absence of a formal request from Hamilton-Wentworth Regional Council. I trust you will understand my position in this regard.

Should your Regional Council decide to proceed, I will do my utmost to ensure a prompt response.

Thank you for bringing your proposal to my attention.

Yours truly,

John E. Fleming
John E. Fleming
Chief Administrative Officer

JEF/gh

cc Peter D. Pomeroy, Regional Chairman
D. J. Varley, Regional Clerk

BURLINGTON

639-4540

HALTON HILLS
ACTON

853-0501

HALTON HILLS
GEORGETOWN

878-8113

MILTON

878-8113

OAKVILLE

827-2151



The Corporation of the
City of Burlington

file: Harbour

City Hall:
426 Brant Street, Burlington, Ontario, Canada
Mailing Address:
P.O. Box 5013, Burlington, Ontario, Canada L7R 3Z6

Telephone: 335-7697
File No.: 580-04

November 10, 1987

Alderman Brian Hinkley
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Alderman Hinkley:

SUBJECT: Your Request for the City of Burlington to Participate
in a Study Team Concerning the Hamilton Harbour Commission

Your letter dated October 21, 1987 requesting the City of Burlington to participate in a study team to examine the usefulness of changing the present structure and mandate of the Hamilton Harbour Commission was placed before the Council of the Corporation of the City of Burlington at its regular meeting held on Monday, November 9, 1987 and the following resolution was approved as Item AF-238-87-1:

"THAT the letter dated October 21, 1987 from Executive Alderman Brian Hinkley, Ward 3, City of Hamilton, requesting the City of Burlington to participate on a study team to examine the usefulness of changing the present structure and mandate of the Hamilton Harbour Commission be received and filed pending further information from Alderman Hinkley about the terms of reference of such a study team."

If you wish to provide Burlington City Council with further information about the proposed Study Team, kindly address your letter to my attention and I will ensure that it is forwarded on to them.

Yours truly,

Helen MacRae, M.P.A.
CITY CLERK AND DIRECTOR OF
ADMINISTRATIVE SERVICES

MP/mbg
6406b



July 28, 1987

Mr. Brian Hinkley
Executive Alderman, Ward 3
City Council,
Hamilton, Ontario
L8N 3T4

Dear Mr. Hinkley:

Re: Hamilton Harbour Commission Mandate

Thank you for your letter of July 15th to Mr. Paterson regarding your invitation to us to join a study team to review the above matter. I have discussed the issue with Mr. Paterson before he left on vacation and he asked me to respond.

Royal Botanical Gardens believes that it must decline your invitation on the basis of conflict-of-interest. Since RBG owns waterlots in the Harbour, we would be in a difficult position to discuss the matter objectively. I have sought a legal opinion, and he concurs with this decision.

However, RBG subscribes to the view that there must be a mechanism to accommodate the growing body of various interests in future uses of the Harbour. In fact, RBG is one of the Stakeholders, developing a Remedial Action Plan for the Hamilton Harbour, as required by the province and the country through I.J.C.'s Water Quality Agreement between Canada and the U.S. We would, therefore, be pleased to provide your study team with background information, as required.

Sincerely,

Peter F. Rice,
Assistant Director - Conservation

PFR:nm

cc: A. Paterson
L. Simser



*file
Hamilton*

Conserver Society
of Hamilton and District Inc.

October 20, 1987.

Mr. Brian Hinkley,
Executive Alderman Ward 3,
City Council,
City Hall,
Hamilton, Ont.

Dear Brian,

re: Your letter Sept.18 - Hamilton Harbour.

Our organization does not meet regularly during the summer months and therefore your proposal was not discussed until the September meeting of the executive.

Our organization would welcome the opportunity to serve on a study team to look at the present H.H.C. and possible changes to better reflect the current and proposed future uses of the area.

Yours truly,

James MacDonald
President.

JM/cm.



CITY COUNCIL
HAMILTON, CANADA

Brian Hinkley
Executive Alderman

71 MAIN STREET WEST L8N 3T4 • (416) 526-2730 • RES. (416) 572-7500 — WARD 3

December 10, 1987

6

Mr. B. Vanderbrug
General Manager
Hamilton Region Conservation Authority
P.O. Box 7099
Ancaster, Ontario
L9G 3L3

Dear Mr. Vanderbrug:

RE: Hamilton Harbour Commission Mandate
- Study Team

Thank you for replying to my letter of July 15, 1987 with respect to the above. I have received replies from a number of organizations that have an interest in the Hamilton Harbour.

My request to various organizations has received a mixed response. Some organizations strongly support the idea of joining a study team, while others opposed such an approach. Most organizations, however, qualified their support and were very tentative and non-committal.

It would appear that without a more decisive embracing of some future direction to improve the quality of the Hamilton Harbour, that it would be most difficult to bring the parties together.

At present there is some very good work being done by the Stakeholders Group on their "Dialogue on Hamilton Harbour". Perhaps the Stakeholders will seek initiatives to review the mandate of the Hamilton Harbour Commission with a view to setting up a port authority whose responsibility will also include environmental concerns in the harbour.

It still remains my very strong belief that a new organization comprised of varied representation will need to be established in order to fully protect and enhance the environment of the Hamilton Harbour.

Thank you very much for responding to my request to participate on a study team.

Yours very truly,

Brian Hinkley
Executive Alderman
Ward 3

rd



The Hamilton
Harbour
Commissioners

P.O. Box 1069
Hamilton, Ontario
L8N 3G6

February 26, 1988

Mr. Brian Hinkley
Alderman, Ward 3
Corporation of the City of Hamilton
71 Main Street West
Hamilton, Ontario.

Dear Mr. Hinkley:

In light of your recent suggestion to the Planning and Development Committee, I am sure you will have no objection to my copying the press and City Council with my letter to you of May 14, 1987 and your reply to me of May 22, 1987. Then I made no public comment to your remarks.

Quite frankly, what infuriated me so were your comments that the Harbour Commission has been bad-mouthing the Mayor and bad-mouthing the City.

I don't know who you are referring to but I spoke to Mayor Morrow the night of the C.Y.O. dinner and I asked him why he was going around making speeches that the Harbour Commission would not co-operate. At the Rotary Club luncheon he was particularly nasty. The only thing that I feel that he was sore about was the fact that we applied to be allowed to take part in the environmental hearing assessment as had a great number of other citizens.

At the C.Y.O. dinner I said to him how would he like us to co-operate by withdrawing the \$500,000.00. I can assure you that it was not serious. We are committed to the clean up of the Windermere Basin and I did not realize that Bob Morrow only threw darts and does not like receiving them.

In any event, I want your fellow Council members to know the problems that you are trying to stir up for the City of Hamilton. I know it is an election year and the Harbour is very easy to attack. My hope is that each and every Council member will read both earlier letters and this letter.

Yours very truly,

JOHN L. AGRO, Q.C.
Chairman

JLA;GP
Enc.
c.c. Members of City Council
c.c. Ms. Jane Coutts



CITY COUNCIL
HAMILTON CANADA

May 22, 1987

Mr. J. Agro, Q.C.
Chairman
Hamilton Harbour Commissioners
605 James Street North
HAMILTON, Ont.
L8L 1J9

Dear John:

Thank you very much for your very kind and comprehensive letter with respect to the Hamilton Harbour.

Please be assured that I have no qualms or disputes with the Hamilton Harbour Commissioners and the responsibilities presently given the Commission.

I appreciate your comments with respect to the size of staff that you perceive to be necessary in order to manage all aspects of the Harbour. The structure I was proposing would not require a large staff but would utilize existing staff from other existing agencies. The co-ordination of activities and projects in the Harbour however, would be handled by a new Port Authority and give total and overall direction and control for all aspects of the Harbour.

I believe this concept is worthy of public discussion. The Harbour after all, is owned by the public, not by any industry, board, authority or agency.

As one representative of the public, I deem the Harbour an extremely important factor in the economy and quality of life to the citizens of our community.

Your comments are indeed very much appreciated. Thank you very much.

Yours very truly,

Brian Hinkley
Executive Alderman
Ward 3

RECEIVED

JUN 1 1987

AGRO, ZAFFIRO

Per.....

BH:nb



PERSONAL AND CONFIDENTIAL

P.O. Box 1069
Hamilton, Ontario
L8N 3G6

527-6877

May 14, 1987

Alderman Brian Hinkley
Corporation of the City of Hamilton,
City Hall
Hamilton, Ontario
L8N 3T4

Dear Brian:

I read with a great deal of interest your comments in the Hamilton Spectator dated May 1st, 1987. No other person is receiving a copy of this letter except yourself and I am not trying to start a verbal battle or any other kind of a battle as between us. I'm trying to help a politician that I feel has probably the most sincere respect for the citizens of his community on the present City Council.

I am certain that you have heard of Dr. Mark Sproule-Jones, Copps Professor, McMaster University. As you know, he has made several reports on the Harbour and one of the groups assisting the establishment of V. K. Copps Chair at McMaster in 1982, was the City of Hamilton. At that time you were a Council member and I'm sure that you will remember the financing of the Chair.

The Hamilton Harbour Commissioners and its staff have assisted Mark Sproule-Jones in co-operating with him to make certain that an absolutely objective report has been submitted. We never at any time tried influence his thinking or his opinion. His report No. 2 of April, 1985, a copy of which I am sure you have read, and I am equally certain that Dr. Mark Sproule-Jones has made certain that a copy of the report is in the City of Hamilton library.

In his second report he studies the law affecting the multiple use of the Hamilton Harbour specifically for "(a) shipping and navigation, (b) waste disposal and water quality (c) recreation for both pleasure boating and on the foreshore." Dr. Sproule-Jones points out that that "the law establishes the priority of shipping and navigation over all other uses of the Harbour." The reason being because shipping and navigation do not conflict with the use for waste disposal. It is the law "that relegates recreation to minor use of the Harbour due to the natural conflict between shipping and navigation and pleasure boating and recreational use of the foreshore." He goes on to point out, "There is substantial discretion to the public authorities to regulate shipping and navigation to accommodate alternative uses."

And it is for that reason that I would like to point out to you that the Commission runs a marina, runs a sailing school, has established a park off of the marina and has granted to the City of Hamilton five acres for recreational purposes. As you are aware, the City is a key actor for land-based recreation on the waterfront.

In the area of waste disposal, he notes, "The Provincial Ministry of Environment is a key actor insofar as it retains a major legal authority for waste disposal and water quality."

At page 28 of his first report, Dr. Sproule-Jones makes some very interesting findings. He talks about the possibility to exclude some uses of the Harbour, i.e. "urban run-off from streets and foreshores directly into the Harbour or into storm drains discharging into the Harbour, is a vivid example. These run-off waters contain contaminants which reduce the uses of the Harbour for fishing and contact recreation."

At page 30, "The statutes of both levels of government, especially at the Provincial level have granted powers to agencies to regulate water quality. These discretionary powers have been exercised only gingerly by the agencies, especially the Ontario Ministry of Environment and it appears that this discretion has accorded priority to waste disposal over recreational uses."

At page 31, "In other words the de facto priority of uses in Hamilton Harbour are, first, for shipping and navigation, second for waste disposal and water quality, and last for recreational uses. In the case of the first two uses, the priorities do not conflict. In the case of the latter two uses, the priorities favour waste disposal uses."

I overlooked pointing out to you at page 16, "The Provincial Government has, unlike the Federal Government, unequivocal jurisdiction over pollution control." At the same page he notes that "the Federal Government cannot use sections of the British North America Act to mount public controls over the water quality of the Harbour as byproducts of navigation or fishing."

At page 32 of his fourth report he states, "probably most important, governments have accorded priority to the use of the waters to waste disposal rather than recreation interests. The result is severe degradation of the waters and the Harbour bed." Further down at page 32, "The management of waste disposal by provincial and municipal agencies in particular appears to have taken place in ignorance of the associated foregone opportunities for pleasure boating in the Bay."

He also points in his conclusion, "The findings of this Report suggest deficiencies in the laws, regulations and property rights for the management of recreation in the Harbour. Our findings indicate substantial foregone opportunities for pleasure boating in the Bay. It is possible, although the Report did not address this matter, that these foregone opportunities exceed the values associated with the alternative uses of the Bay, especially for waste disposal."

At page 34 he says, "There is a long history of conflict between recreational boating and waste disposal, and public agencies have resolved this conflict in favour of waste disposal interests." He points out that it is the public agencies that have determined the priorities amongst uses and placed recreational boating at its lowest of the three priorities.

Brian, I have brought to your attention these various passages of the Sproule-Jones reports in the hopes that you will understand the absolute inability with both the province, municipalities and the federal government being involved in the Harbour. It is impossible in my respectful view to set up an authority of seven persons to control all facets of the uses made of the Harbour. The authority would have to have on staff a sewage expert. In this regard, the Provincial Government certainly has not assisted the water quality in the Harbour when you consider that both sewage treatment plants have not worked to the degree required. They would have to have water quality experts on staff to take over duties of the Provincial Environment group and Canada Water Study Group. I don't know where the money would come from to create a staff for Provincial Environment group, a staff equalling the Canada Water Study Group and then experts in shipping and navigation.

I can tell you that it is absolutely impossible in to-day's marketplace to obtain any funding by the Federal Government and it was as a result of considerable lobbying by the Hamilton Harbour Commissioners and the Conservative Members of Parliament in this area that finally persuaded the Federal Government to loosen its purse strings. I hasten to point out to you that the first \$500,000.00 committed was committed by the Hamilton Harbour Commissioners at the time that they submitted their proposal for the cleanup of the Windermere Basin to Chairman Anne Jones. I tell you unequivocally that if Hamilton Harbour were under the Port Act of 1966, it would have been absolutely impossible for the Harbour Commissioners to have committed \$500,000.00 to the cleanup of Windermere Basin, as under the 1966 Act there could be no expenditures without prior approval of Transport.

Brian, I hope that this will be of some assistance to you in dealing with future Harbour speeches. I am sure you have read the recent article in the Hamilton Spectator wherein environmentalists blame the lack of water quality and the lack of fishing opportunities on waste disposal.

Yours very truly,

JLA;GP

JOHN L. AGRO, Q.C.
Chairman

P.S. Surely you cannot blame Windermere Basin on shipping and navigation. We are putting up \$500,000.00 of very hard earned money to demonstrate our interest in our community.

John Agro's made a harbor swap offer we cannot accept

JOHN AGRO is one clever guy. Now all we have to do is get him on our team.

John Agro is the chairman of the Hamilton Harbour Commissioners, the three-man federal body that controls the operation of Hamilton harbor. John Agro is also a Hamiltonian whose roots are planted deep in the weave of the fabric of this town.

John Agro knows that Hamilton's waterfront is the legacy of all the people, not just the shippers and the industrial giants that make and spend big bucks in his port.

John Agro's harbor commissioners and the city have been feuding over jurisdiction on the harbor front for decades. The problem won't be resolved with anything less than an act of parliament.

The HHC was a fine idea in 1912 when the federal government created it to oversee the operation of the growing Port of Hamilton.

Back then, nobody had ever heard of the ecology. The science of resource management hadn't been invented yet. And who would have dreamed that the cottagers and boaters, the fishermen and swimmers that took Hamilton's picturesque waterfront for granted as a given in those glory days would be all but extinct on the site 75 years later. Seventy-five years ago, recreation wasn't something you made policy about, you just did it.

HHC outdated

A lot of things have changed since the year 1912. Unfortunately, the HHC has not been one of them.

Hamilton needs a body controlled at the city level to take charge of all aspects of its harbor management. The Port of Hamilton is considered



Tami Palkin Nolan

one of the finest in North America. But there is more to this waterfront than container ships and industrial dockyards. Or at least there should be.

The struggle for control over Hamilton's waterfront has been old news for decades. The people continue to be caught in the middle. The latest chapter in the story was written just before Christmas when John Agro, like a steel-jawed shark emerging from the brine, cast his hungry harbor commissioner's eye on the Lax land.

Give us the Lax land to develop for industry, John Agro said, and we will give you all the HHC land between Hughson and Bay streets for your waterfront park. Not only that, we will give you jurisdiction over the western end of the harbor if you'll leave us alone in the east end, Mr. Agro said.

Mr. Agro said the switch made sense because public access to the Lax land is going to be difficult and because of the parcel's location next to the Stuart Street rail yard. He noted it would allow the harbor commissioners to build a dock at the foot of Queen Street next to the proposed shoreline Perimeter Road and the CN yard.



Harbor commissioner Agro proposed city swap the Lax land, the near island centre left, for boat club bas top right.

The city negotiated with the Lax family for years before finally expropriating the landfill promontory in question at the bottom of Bay Street. It has taken years more to come up with the plan for its development and with the promise of funding from other levels of government.

No thanks

City council would be nuts to consider John Agro's latest offer. For one thing, the swap might affect two existing recreational waterfront enterprises. The Leander Boat Club and The Hamilton Yacht Club which are on the land Mr. Agro proposes to swap. The idea is to increase the recreational use and public access to the waterfront, not decrease it.

The trade would sandwich our water park between two areas of heavy industry and would cost us years in the implementation of the project. Meanwhile, Mr. Agro's offer

Not co-operating

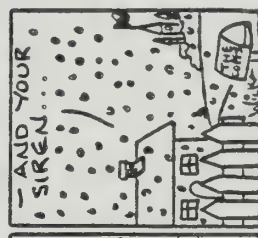
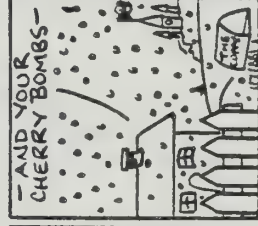
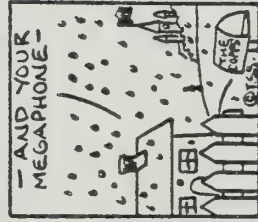
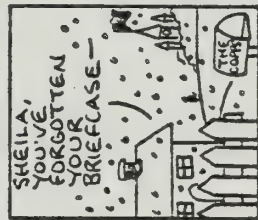
Just last month, the commissioners refused a request by the city's dedicated central area plan implementation committee to attend a meeting on waterfront development plans.

And last March, without the courtesy of any advance warning, the commissioners and their Toronto lawyer issued a surprise formal objection to the city's waterfront plan before the provincial advisory committee considering the matter.

While the powers play and the egos clash, comes the picture of little Johnny Agro, skinny kid, swimming in the bay in cut off pants. He picks up a flat stone and skips it expertly across the water, following its path with a faraway look in his eye.

The future was once a long way off. But that was a long time ago.

THE OUTCASTS



by Ben Wicks

Jan/88. file 7

42.

FOR ACTION

REPORT TO: THE PLANNING AND DEVELOPMENT COMMITTEE

FROM: P. KUPPE, BUILDING COMMISSIONER

DATE: March 3, 1988

COMM. FILE:

DEPT. FILE:

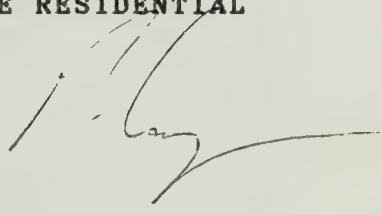
SUBJECT:

DEMOLITION

RECOMMENDATION:

**THAT THE BUILDING COMMISSIONER BE AUTHORIZED TO ISSUE
DEMOLITION PERMITS FOR THE DEMOLITION OF THE RESIDENTIAL
BUILDINGS AS LISTED BELOW.**

FINANCIAL IMPLICATIONS: N/A




BACKGROUND:

1. 1183 WEST 5TH STREET
2. 52 MUNROE
3. 103 ARBOUR
4. 197 RIDGE STREET

DEMOLITION CONTROL

CATEGORY "C" - NO IMMEDIATE REDEVELOPMENT IS PROPOSED

DATE March 3, 1988							
ITEM	ADDRESS	PRESENT USE	PROPOSED USE	LOT SIZE	OWNER	ZONE	RECOMMENDATION
1.	52 Munroe	S.F.D.	Parking Lot	65.5' X 231'	John Kenyon Ltd.	"K"	It is recommended that Committee approve demolition.
2.	103 Arbour	S.F.D.	Proposed Mountain Freeway	108' X 404.74'	Future owner, City of Hamilton	"M-13"	It is recommended that Committee approve demolition.
<div> P.C. Lampman, P. Eng. Director of Plan Examination</div>							

P. C. Lampman, P. Eng.
Director of Plan Examination

B U I L D I N G D E P A R T M E N T

DEMOLITION CONTROL

CATEGORY "A" - PROPOSED USE OF LAND IS PERMITTED BY PRESENT ZONING

DATE March 3, 1988

ITEM	ADDRESS	PRESENT USE	PROPOSED USE	LOT SIZE	OWNER	ZONE	RECOMMENDATION
1.	1183 West 5th Ave.	S.F.D.	S.F.D.	60' X 230'	D. Deptuck	"AA"	It is recommended that Committee approve demolition.
2.	197 Ridge St.	S.F.D.	S.F.D.	83.78' X 130'	Camillo Dippolito	"C"	It is recommended that Committee approve demolition.

[Signature]
Peter C. Lampman, P.Eng.
Director of Plan Examination

5a.

FOR ACTION

REPORT TO:

Planning and Development Committee

FROM:

E. W. Kowalski, Director
Department of Community Development

DATE: 1988 February 29

COMM FILE:

DEPT FILE: FACADE 18

SUBJECT:

Commercial Facade Loan Programme

RECOMMENDATION

That a Commercial Facade Loan in the amount of \$8,850. be approved for Mr. Jerry Sherman, owner of 155, 157, 159 & 161 James St. North. The interest rate will be 4-1/2 percent, amortized over ten years.

E. Kowalski

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

N/A

BACKGROUND

The owner of 155, 157, 159 & 161 James Street North has applied for assistance under the City of Hamilton's Commercial Facade Loan Programme. As per the terms of the Programme, the Building Department has inspected the property as per the Property Standards By-law 74-74, and the necessary repairs have been included in the contract price.

The Department of Community Development recommends the approval of a Commercial Facade Loan to Mr. Jerry Sherman for improvements to 155, 157, 159 & 161 James Street North in the amount of \$8,850. The loan will be amortized over a ten year period at 4-1/2 percent interest. The monthly payment will be \$91.73 and will be secured by a Promissory Note and a Lien registered on Title.

FOR ACTION

5 b.

REPORT TO:

Planning and Development Committee

FROM:

Mr. E. W. Kowalski, Director,
Department of Community Development

DATE: 1988 March 03

COMM FILE:

DEPT FILE: 800-0602.5

SUBJECT:

Downtown Hamilton Action Plan, Phase V James Street North:
Ordering of Lighting and Hamilton Street Railway Poles.

RECOMMENDATION

That the Planning and Development Committee hold a special meeting in order to appoint the successful bidder for the supply of poles for Phase V of the Downtown Hamilton Action Plan.

E. W. Kowalski

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

Delay of entire project completion resulting in a delay claim from the contractor.

BACKGROUND

As the Committee is aware Phase V or, the James Street North streetscape design, is scheduled for implementation during the 1988 construction season. In order to ensure that pole delivery does not delay project completion, the Department of Community Development, through the Purchasing Department, has requested prices on this portion of the work. Tenders will close on 1988 March 16 and the successful tender could be approved at the City Council meeting to be held 1988 March 29. Therefore the Department of Community Development respectfully requests that the Planning and Development Committee hold a special meeting immediately prior to the City Council meeting to appoint the pole supplier.

c.c. Mr. T. Bradley, Director,
Purchasing Department

RECEIVED

FOR ACTION

CITY CLERKS

6.

REPORT TO: Planning & Development Committee
Attn: Mrs. S. K. Reeder
Acting Secretary

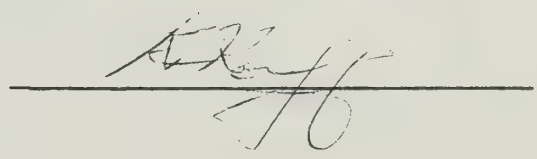
FROM:
K. A. Rouff
City Solicitor

DATE: 1988 February 29
COMM FILE:
DEPT FILE: 100-1.358

SUBJECT: City vs Edward Allen
81 Francis Street

RECOMMENDATION

That the attached, interim Legal Account of Weir & Foulds law firm in the amount of \$1,165.12 be approved by the Planning and Development Committee and recommended to Council for payment.



FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

The account requires City payment of \$1,165.12 to Weir & Foulds law firm, the City's counsel herein. This sum is available in Account No. 0325-0156, (Legal Consultants).

BACKGROUND

This interim account is expressed to cover the time period from May 12, 1987 to January 31, 1988.

As a result of waste clean-up actions taken by the City on 81 Francis Street in July, 1985, the occupier, Edward Allen, launched a Judicial Review Application to quash By-law 84-35.

He was successful originally in the Weekly Court of the Supreme Court of Ontario, but the City successfully appealed to the Court of Appeal and was awarded the Judgment and costs of both hearings. The above fee represents preparation by Weir & Foulds for the taxing (assessing) of the City's costs, scheduled for May, 1988.

Att.

WEIR & FOULDS

Barristers & Solicitors

Suite 1600, Exchange Tower
P.O. Box 480
2 First Canadian Place
Toronto, Canada M5X 1J5

City of Hamilton
71 Main Street West
City Hall
Hamilton, Ontario
L8N 3T4

File No. **24/852 (JGR)**

Date **February 15, 1988**

Attention: P.R.A. Hooker, Esq.

Re: **Edward Allen**
Interim Account - May 12,
1987, to January 31, 1988

TO PROFESSIONAL SERVICES RENDERED HEREIN, including: telephone calls to and from Mr. Hooker and letter to same; telephone calls to and from Mr. Rudolph; letter to Registrar, Divisional Court; letters to Mr. Hooker; drafting Bills of Costs and revising same; letter to Mr. Hooker; office conference; letter to Mr. Rudolph; and to all further telephone conversations, correspondence, meetings and memoranda herein.

OUR FEE...

\$1,150.00

DISBURSEMENTS

Copies	\$3.42	
Deliveries	6.50	
Telephone	<u>5.20</u>	<u>15.12</u>

TOTAL FEE & DISBURSEMENTS

\$1,165.12

Account Payable upon receipt. In accordance with Section 35 of the Solicitors Act, interest will be charged at % per annum calculated from 30 days after delivery of this account. A receipted account will not be mailed unless requested by you.

REMITTANCE COPY

31722

F O R A C T I O N

REPORT TO: S. REEDER, ACTING SECRETARY
 PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. R. G. LEACH
 COMMISSIONER OF ENGINEERING

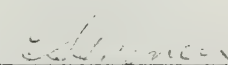
DATE: 1988 March 02
COMM FILE:
DEPT FILE: S704-32
ID#0043D(29)

SUBJECT

"DICENZO GARDENS - PHASE 2", Hamilton
(Cash payment in lieu of 5% Parkland Dedication)

RECOMMENDATION

(a) That the Corporation of the City of Hamilton accept the sum of \$49,200.00 as cash payment in lieu of 5% dedication in connection with "DICENZO GARDENS - PHASE 2", Hamilton, this being the cash requirement under Section 50 of The Planning Act.



J. R. G. Leach
Commissioner of Engineering

FINANCIAL IMPLICATIONS

N/A.

BACKGROUND

The owners of the lands for the above-referenced subdivision will be executing a Subdivision Agreement with the City of Hamilton in the near future. A copy of the Final Survey Plan is attached for your information.

In accordance with normal City procedure, the City and Regional staff have completed calculations for the 5% cash payment in lieu of Parkland Dedication. The sum to be included in the Subdivision Agreement has been calculated to be \$49,200.00.

Cont'd...

- Page 2 -
02 March 1988

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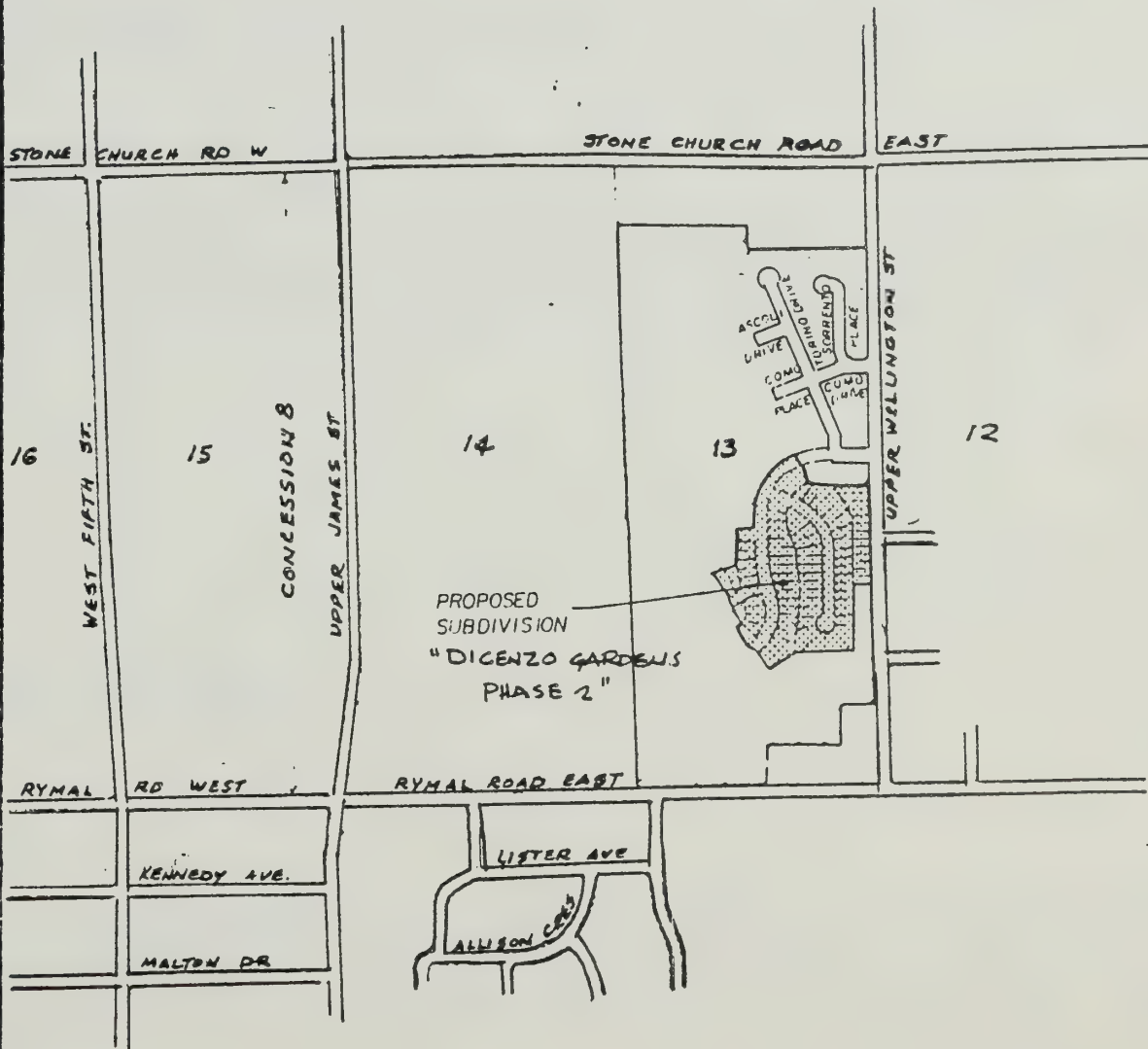
NOTE: These lands are located south of Stone Church Road and West of Upper Wellington Street in the Ryckman Neighbourhood, Hamilton.

CAU: cab.
Encl.

c.c. D. Consoli, City Treasury Department
K. A. Rouff, City Solicitor's Department

Key Plan

SCALE 1:12000



7 a.
(ii)

F O R A C T I O N

REPORT TO: S. REEDER, ACTING SECRETARY
 PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. R. G. LEACH
 COMMISSIONER OF ENGINEERING

DATE: 1988 March 02
COMM FILE:
DEPT FILE: S708-43
ID#0043D (27)

SUBJECT:

"HILLSIDE TERRACE - PHASE 4", Hamilton
(5% Parkland Dedication)

RECOMMENDATION

- (a) That the Corporation of the City of Hamilton allow the owner of "Hillside Terrace - Phase 4" to use the Parkland Credit Balance from a previous development, Novoco Gardens, Registered Plan No. 62M-500, toward the 5% parkland dedication for Hillside Terrace - Phase 4.

J. R. G. Leach

J. R. G. Leach
Commissioner of Engineering

FINANCIAL IMPLICATIONS

N/A.

BACKGROUND

The owner of this development, Gurnett Investments Limited, has requested to use a portion of the Parkland Credit Balance from a previous development which they owned called Novoco Gardens, Registered Plan No. 62M-500, in Hamilton. The 5% parkland requirement for Hillside Terrace - Phase 4 is 2,499.55m².

The Parkland Credit Balance from Novoco Gardens is 3,026.65m², leaving a new balance of 527.10m² which could be used for a future development.

Cont'd...

- Page 2 -
02 March 1988

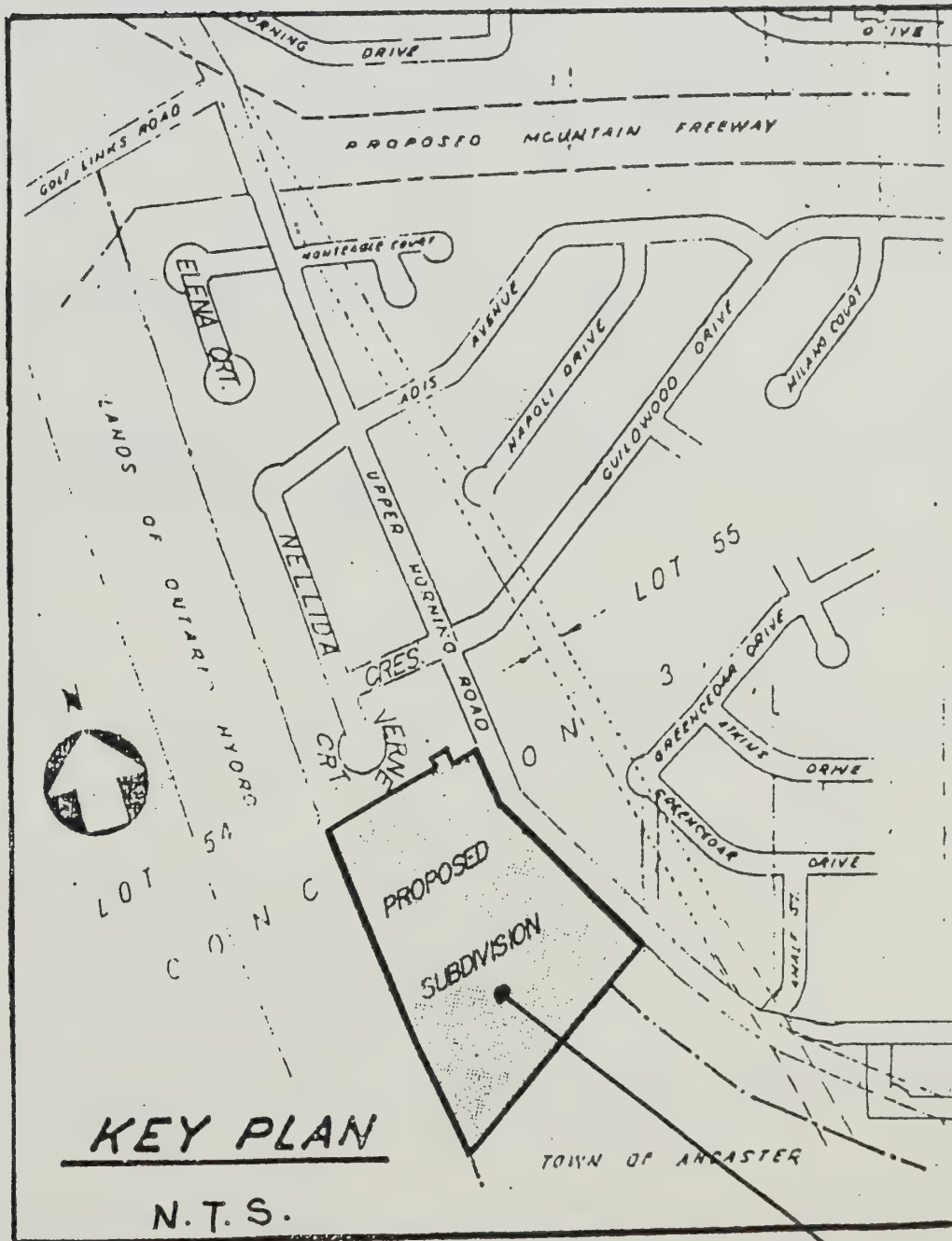
Cont'd...

The owners of the lands for the above-referenced subdivision will be executing a Subdivision Agreement with the City of Hamilton in the near future. A copy of the Final Survey Plan is attached for your information.

NOTE: These lands are located south of Golf Links Road and west of Upper Horning Road in the Gurnett Neighbourhood, Hamilton.

CAU: cab.
Encl.

c.c. D. Consoli, City Treasury Department
K. A. Rouff, City Solicitor's Department
D.W. Vyce, City Real Estate Department



HILLSIDE TERRACE - PHASE 4

7a.
(iii)

F O R A C T I O N

REPORT TO: S. REEDER, ACTING SECRETARY
 PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. R. G. LEACH
 COMMISSIONER OF ENGINEERING

DATE: 1988 March 02
COMM FILE:
DEPT FILE: S702-41
ID#0790D(10)

SUBJECT

"BAYVIEW GLEN ESTATES - PHASE 2", Hamilton
(Cash payment in lieu of 5% Parkland Dedication).

RECOMMENDATION

- (a) That the Corporation of the City of Hamilton accept the sum of \$1,432.00 as cash payment in lieu of 5% dedication in connection with "BAYVIEW GLEN ESTATES - PHASE 2", Hamilton, this being the cash requirement under Section 10 of The Planning Act.

J. R. G. Leach

for J. R. G. Leach
Commissioner of Engineering

FINANCIAL IMPLICATIONS

N/A.

BACKGROUND

The owner of the lands for the above-referenced subdivision will be executing a Subdivision Agreement with the City of Hamilton in the near future. A copy of the Final Survey Plan is attached for your information.


Cont'd...

- Page 2 -
March 2, 1988

Cont'd...

In accordance with normal City procedures, the City and Regional staff have completed calculations for the 5% cash payment in lieu of Parkland dedication. The sum to be included in the Subdivision Agreement has been calculated to be \$1,432.00

NOTE: These lands are located south of Stone Church Road and west of Upper Paradise Road in the Falkirk West Neighbourhood, Hamilton.

 CAU:cab.
Encl.

c.c. D. Consoli, City Treasury
K. A. Rouff, City Solicitor

WE T

U

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○

5/6/50

E-3/S
836

D/S:587

BAYVIEW GLEN
ESTATES - PHASE 2

A

8.0.

FOR ACTION

REPORT TO: Susan K. Reeder
Acting Secretary of the
Planning and Development Committee

FROM: J. D. Thoms
Commissioner
Planning and Development

DATE: 1988 February 17
COMM FILE:
DEPT FILE: SA-87-27

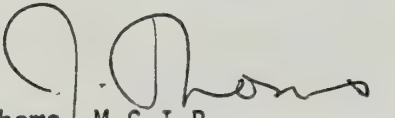
SUBJECT:

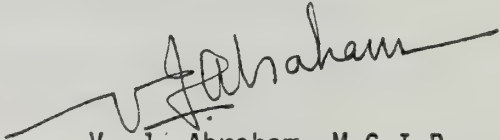
Proposed Draft Plan of Subdivision by Bar-Brock Enterprises Limited.

RECOMMENDATION

- a) That approval be given to application SA-87-27, Bar-Brock Enterprises Limited, owner, to establish a draft plan of subdivision north of Rymal Road and east of Eleanor Avenue, subject to the following conditions:
1. That this approval apply to the revised plan prepared by MacKay, MacKay and Peters Limited, dated February 2, 1988, showing 81 lots, further revised to add widening for Dulgaren Street (Block "86"), to add street curves at the cul-de-sac bulbs, to delete the 0.3m reserve shown as Block "84" and to renumber the subsequent blocks accordingly.
 2. That the owner acquire sufficient land to establish all streets in full and the streets and the street widening (Block "86") be dedicated as public highways and the walkways (Blocks "84" and "85") be dedicated as public walkways on the final plan.
 3. That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 4. That the final plan conform with the Zoning By-law approved under The Planning Act.
 5. That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.
 6. That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 7. That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.

8. That any dead-end or open side of the road allowances created by the plan be terminated in 0.3m reserves to be conveyed to the City of Hamilton and to be held by the City until required for the extension of the road allowance or for the development of abutting lands.
 9. That only those parts of the plan to which municipal services are available shall be registered.
 10. That Blocks "82" and "83" be developed only in conjunction with abutting lands.
 11. That the owner shall erect a sign in accordance with Section X of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
 12. That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- b) That a Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-87-27), Bar-Brock Enterprises Limited, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.
- c) That the Eleanor Neighbourhood Plan be amended by redesignating parts of the subject land from "Park and Recreational" and "Civic and Institutional" to "Residential - single and double" land use designations and by amending the street pattern to comply with the approved draft plan of subdivision and the inclusion of two walkways.


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development


V. J. Abraham, M.C.I.P.
Director - Local Planning

BACKGROUND

Owner

Bar-Brock Enterprises Limited, Hamilton, Ontario

Surveyor

J. D. Peters, O.L.S., Hamilton, Ontario

Location

The lands, comprising 5.21 ha, are located to the east of Eleanor Avenue between Dulgaren Street and Alma Avenue in the Eleanor Neighbourhood, City of Hamilton.

Proposal

The original proposal was to subdivide the lands into 84 lots for single-family dwellings. However, the street pattern in the northerly section of the plan did not comply with the neighbourhood plan and was not acceptable to staff, therefore, two alternative street patterns were submitted to the surveyor with a request for submission of a revised plan.

The revised proposal is to subdivide the lands into 81 lots for single-family dwellings, 2 blocks for development with adjoining lands, 2 blocks for walkways and a 0.3m reserve block. The lots would be serviced from new streets extending from Dulgaren Street, Brenda Street, Alma Avenue and future streets to the east in proposed subdivisions. The minimum lot size proposed has a width of 12.1m and an area of 368m².

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Residential and Related Uses" within the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential". The proposal complies.

Neighbourhood Plan - the bulk of the lands are designated "Residential - single and double". However, small areas are designated "Park and Recreational", "Civic and Institutional" and "Utilities" and the street layout in the northerly area of the plan does not comply, therefore, minor amendments to the land use and street pattern will be required upon approval of the revised plan.

Niagara Escarpment - the lands are not within the "Development Control Area", therefore, the regulations do not apply.

Zoning - an application to rezone the lands was previously considered and approved and the required By-law Amendment is being implemented.

COMMENTS FROM CIRCULATION

The following agencies have advised that they have no comment or objection toward the proposal (original plan):

Ministry of Municipal Affairs
Ministry of Transportation and Communications
Ministry of the Environment
Ministry of Natural Resources
Ministry of Citizenship and Culture
Niagara Escarpment Commission
Hamilton Region Conservation Authority
Ontario Hydro, Union Gas
City of Hamilton Board of Education
City Building Department (subject to rezoning)

The City Traffic Department recommend that the northerly portion of the proposed plan be modified to comply with the road pattern shown in the approved neighbourhood plan.

The Hamilton-Wentworth Department of Engineering has submitted the following comments and recommendations:

- "1. The four streets opening up to the east must line up with the streets in Gagliano Gardens Addition and Eaglewood Estates.
2. It is desirable to have Street "A" at a width of 20m with a 9m radius where the cul-de-sac meets the straight street.
3. The intersection of Alma-Eaglewood Drive and the bend in Eaglewood Drive at Street "C" should be changed by the introduction of 100m or larger radii.
4. A 15m radius road widening should be taken out of Lot 19 to provide for a cul-de-sac at the end of Dulgaren Street, unless the neighbourhood plan is amended to provide for the ultimate closure of Dulgaren Street east of Street "B".
5. Lots 1 to 34 not be registered until the lands north of Brenda Street are developed or other arrangements have made for the installation of sewers through these lands shown as instrument No. 28919 C. D. on the draft plan.
6. Lots 35 to 69 not be registered until Gagliano Gardens Addition is registered.
7. All streets be established to the full width of 20m.
8. The subdivider enter into City and Regional subdivision agreements.
9. The plan prepared by MacKay, MacKay and Peters, dated July 27, 1987 is satisfactory to the Department of Engineering subject to the above comments.

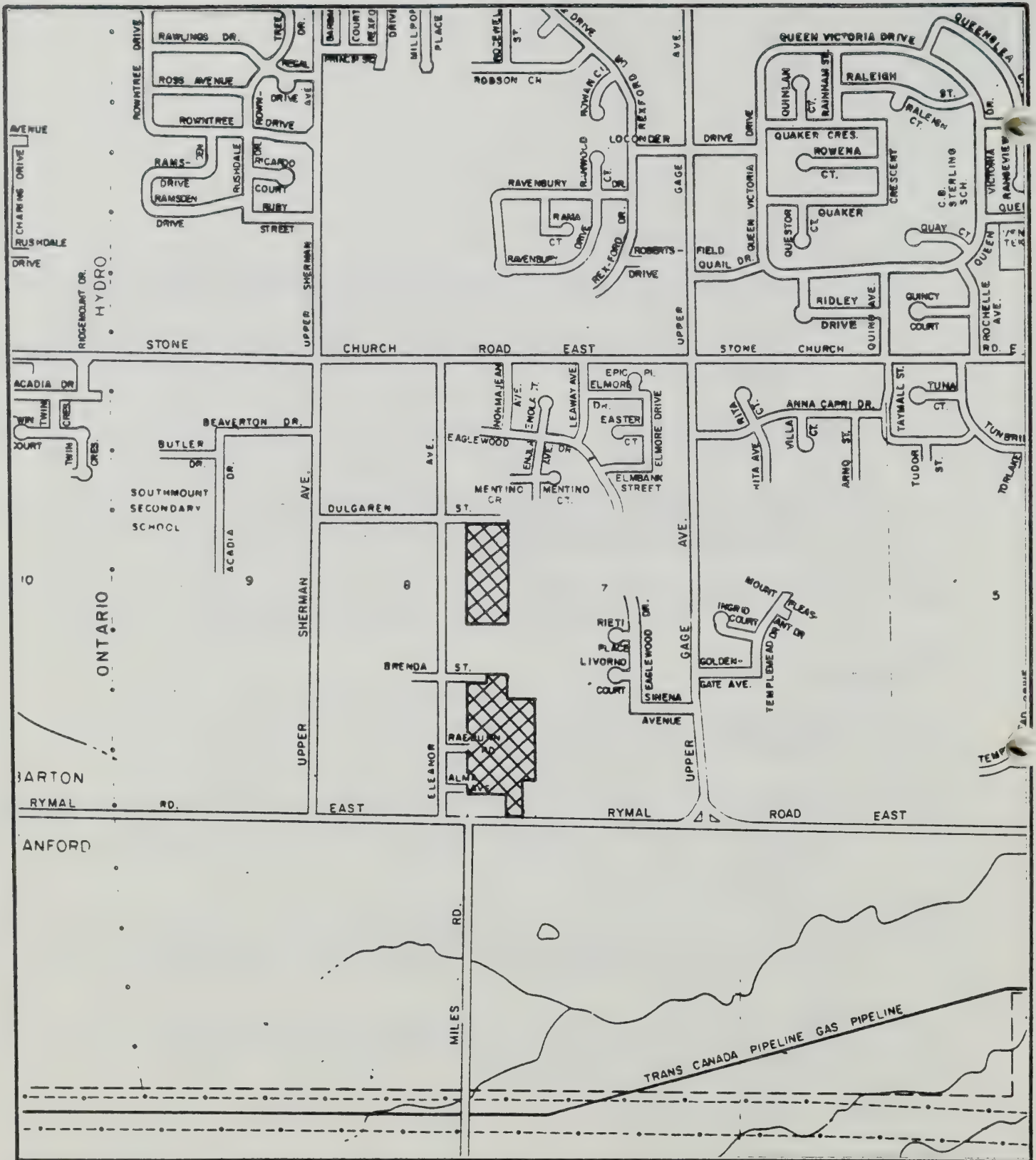
10. For your information:

- a) Lots 70 to 82 can now be serviced to Eva Street, a proposed street.
- b) The closing of part of Brenda Street may not be completed and this has to be finalized before Block "86" and part of Lot 35 can be registered.
- c) Regional services will be available to the remainder of the subdivision upon development of Gagliano Gardens Addition.
- d) Alma Avenue, Brenda Street and Eva Street are not paved at this time. We will deal with any required pavement construction through the Engineering Committees.
- e) We do not expect any Regional cost except for the street along the Board of Education lands which may be \$20,000."

COMMENTS

- 1. The conformity of the proposal with the Official Plans and the impending amendment to the Zoning By-law is noted.
- 2. As only a small area of the subject lands is designated for park and recreational use on the approved neighbourhood plan, which area is included in the residential proposal on the revised plan, it is recommended that the parkland requirement for this subdivision be taken as cash-in-lieu of land.
- 3. The proposed changes to the Neighbourhood Plan land use designations, road pattern and walkway locations should be implemented upon approval of the draft plan of subdivision by City Council.
- 4. Minor "red-line" revisions to the plan are required to implement the recommendations of the Department of Engineering, otherwise, the revised draft plan can be supported.

CMD/jd



Location Plan For

BAR BROCK ESTATES

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



PROPOSED SUBDIVISION

North

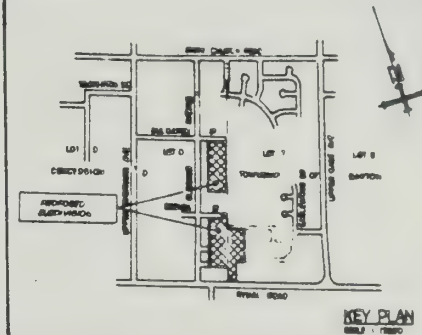


Scale
N. T. S.

Date
AUG. 13, 1987

Reference File No.
25T-87036

Drawing No.



PARTY OF LOTS 7 AND 8, CONCESSION 8
IS HEREBY ASSIGNED TO THE CITY OF HAMILTON
PARTY OF LOTS 20, 21, 22, 23, 24 & 25, REPTD PLAN No. 853
ALL IN THE
CITY OF HAMILTON
COUNTY OF HALKETT
CITY OF HAMILTON

SCALE 1:1000

METRIC:
DISTANCES SHOWN ON THIS PLAN ARE IN METERS AND CAN BE
CONVERTED TO FEET BY DIVIDING BY 0.3048

LAND USE

1980 1 10 41 1980 1 10 41

TOTAL AREA = 321 Ha (12.67 Acres)

REQUIREMENTS OF THE PLANNING ACT, 1980
CHAPTER 1, SECTION 50-07

- A SET PLAN
- B SET PLAN
- C SET PLAN
- D SINGLE FAMILY PERSPECTIVE
- E COMMERCIAL & RECREATIONAL
- F SET PLAN
- G SET PLAN
- H SET PLAN
- I CLAY LOTS
- J SET PLAN
- K ALL PURPOSE SUBSIDIARY
- L SET PLAN

OWNER'S CERTIFICATE

1. NEVER AUTHORIZE MACHIN WORKS & PETERS LIMITED TO SUBMIT
THE PROPOSED PLAN OF SUBMISSION TO THE COUNCIL OF THE ECONOMIC
AND SOCIAL COUNCIL OF THE UNITED NATIONS FOR A PROPOSAL.

DATE OF DEPARTURE OUTSIDE
THIS FILE BY OF JUL 1 1967

LEON STEIN, PRESIDENT
HARRIS STEINBERG LIMITED

SURVEYOR'S CERTIFICATE

1. DEEP BY CLIPPING THAT THE BOUNDARIES OF THE JAMES TO BE
SUBDIVIDED AND THEIR RELATIONSHIP TO ADJACENT LANDS
ARE ACCURATELY AND CORRECTLY SHOWN.

DATE AT JAIL, FOR CONTAINING
THIS COPY OF

RECEIVED FEB 1, 1966 OFFICIAL LANG. DIVISION

MACKAY MACKAY & PETERS LIMITED
OILSEED AND SURVEYORS
20 NICHOLSON ST. HAMBURG, GERMANY

8b.

F O R A C T I O N

REPORT TO: SUSAN REEDER, ACTING SECRETARY
 PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
 PLANNING AND DEVELOPMENT DEPARTMENT

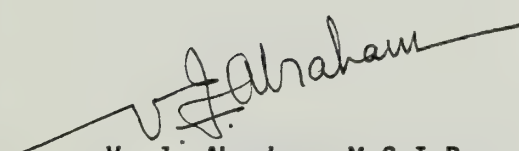
DATE: 1988 March 02
COMM FILE:
DEPT. FILE: P5-4-7-18

SUBJECT:

Central Business District Study - Draft Terms of Reference

RECOMMENDATION

- (a) That the Ministry of Municipal Affairs be requested to provide the City with a Community Planning Grant to cover up to 50% of the cost of the study in accordance with the draft terms of reference.


V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

A Central Business District Study has been included in the 1988 Planning and Development Department's Work Program. The Study is also supported in principle by the Central Area Plan Implementation Committee (CAPIC). CAPIC has identified the Study as the highest priority for the Downtown Core.

The main purpose of the study is twofold. Firstly, the Study will provide the City with a vision of the future, outlining the nature and form of potential new development. Secondly, it will provide a framework for development on a block by block basis to enable each block to be developed comprehensively and to work together with adjoining blocks. The planning framework and vision of the future is intended to give confidence to the development industry and create growth in the Central Business District.

The Study can also complement Phase IV of the Downtown Action Plan, which consists of improvements to key parking lots and alleyways, by providing for possible development in the surrounding areas, as well as including the alleyways in a possible system of pedestrian links.

In order to assist in the costs of the study, the City should request a Community Planning Grant from the Ministry of Municipal Affairs. Study grants are available for up to \$35,000 for 50% of the Study costs. Ministry officials have given an indication that the study is a good candidate for funding. City costs for the Study have already been approved as part of the 1988 Work Programme. The draft Terms of Reference for the Study has been prepared and is attached as APPENDIX "A".

DG/dkp

WP 0021P

DRAFT TERMS OF REFERENCE

CENTRAL BUSINESS DISTRICT STUDY PROPOSAL

INTRODUCTION

The purpose of the proposal is to:

1. Provide the BACKGROUND to the study.
2. Define the OBJECTIVES of the study.
3. Outline the STUDY APPROACH.
4. Define the process including PUBLIC PARTICIPATION AND TECHNICAL SUPPORT.
5. Give a TIME SCHEDULE for the study.
6. Provide STUDY COSTS.

1. BACKGROUND

- o Central Hamilton has been designated in both the Regional Official Plan and the City of Hamilton Official Plan as a Regional Centre serving all residents in Greater Hamilton.
- o The Central Area of Hamilton is recognized as being paramount importance to the economic health and viability of the Region.
- o Consequently, a Central Area Plan was prepared and adopted by City Council in January 1981 to guide the growth of the downtown and Central Area.
- o The basic thrust of the Central Area Plan is to create a functionally efficient and environmentally attractive, high density, mixed use area.
- o The Central Area Plan Implementation Committee (CAPIC) (see Section 4) has spent the last two years reviewing and updating the document and has recently unanimously approved an updated Central Area Plan (which will be incorporated into the Official Plan) reinforcing and carrying further the thrust of the current plan.

- o The quality of life/economic development strategy has now been incorporated into the Economic Development Strategy adopted by the Region in January 1987.
- o The basis for the Central Business District (C.B.D.) Study is in the Central Area Plan's Implementation Strategy which requires the policies of the Central Area Plan to be elaborated by providing a block by block analysis and vision of the future.
- o The plan will establish a framework of potential land uses, pedestrian facilities, parking nodes and transit services to guide and encourage new development.
- o The C.B.D. plan in part will be in the form of a digrammatic map showing three-dimensional development. In addition, there may be the need to amend the Central Area Plan, the Neighbourhood Plans and the +15 policies.
- o The C.B.D. plan is particularly timely since:
 - 1) The Central Area Plan objectives have recently been reaffirmed and the policies updated and refined. The policy framework is therefore current.
 - 2) The downtown parking study will soon be completed. This will provide one of the bases for the C.B.D. study.
 - 3) A current transit study will shortly be reaching a conclusion about a GO rail and long distance bus termini in Hamilton. The proposed transit node is a major element for determining the functioning of the C.B.D.
 - 4) The Perimeter Road study has recently reaffirmed a concept for a new by-pass for the C.B.D. and will establish design details during 1988. The Perimeter Road is a key element in increasing accessibility to the C.B.D. and allowing for further environmental upgrading.
 - 5) The streetscaping improvements initiated as part of the Downtown Action Plan are nearing completion. Priorities for new areas of streetscaping need to be established. In addition, the Study can complement the improvements by providing for adjacent development.
 - 6) The +15 policies require updating since they are out-dated. A review tied into the street level pedestrian system is needed.
 - 7) The Central Area is continuing to experience development pressures which could result in major changes to the form of the downtown.

- o A C.B.D. plan would provide:
 - 1) A vision of the future for the City and a vehicle for comprehensive co-ordination for the growth of the C.B.D.
 - 2) A strong framework for the City to make decisions about C.B.D. development and redevelopment.
 - 3) A strong framework for developers and businesses and consequently an incentive for investment and economic regeneration.
 - 4) The basis for municipal budget decisions.
 - 5) A tool for initiating and evaluating individual projects both private and public and joint ventures.
- o Such documents have been used extensively in Britain for many years but appear not to be widely used in Ontario. The project will be on the forefront of Planning in the Province and could therefore serve as an example to other areas. Staff could share their experience with the Province and other municipalities.

2. OBJECTIVES

It is proposed that the C.B.D. Study provide a detailed plan for development and redevelopment in the downtown.

The purpose of a C.B.D. Study will be:

1. To define a Central Business District boundary;
2. To investigate and review the inter-relationship of current and future land use and specify district uses and designs in detail.
3. To define the role of roads in the central area as a framework for pedestrian and vehicular traffic and examine opportunities for vehicular and pedestrian separations;
4. To define nodes of parking, including the location of multi-storey car parks;
5. To define areas for potential redevelopment in the C.B.D.;
6. To outline development scenarios for key blocks, with emphasis on the area surrounding Gore Park. This will be done through Planning Design Briefs which will refine land use and urban design requirements;
7. To attract developers to the C.B.D. by providing a planned development scheme which will result in a high quality and efficient environment in which to invest;
8. To address suitable locations and designs for open leisure space as part of a pedestrian system;

9. To outline means of making commercial streets in the C.B.D. more attractive to pedestrians; and
10. To provide links to surrounding commercial and residential modes in outlying areas (e.g. Hess Village).

3. STUDY APPROACH

The Study will be undertaken in the following phases:

- o Phase I (BACKGROUND) will examine current trends in the downtown, delineate a C.B.D. boundary and identify opportunities and constraints to development and redevelopment.
- o Phase 2 (ANALYSIS) will analyze trends and opportunities for potential development and redevelopment.
- o Phase 3 (POLICY DEVELOPMENT) will define specific land use designations and policies to guide development and redevelopment in the downtown.
- o Phase 4 (DEVELOPMENT STRATEGIES) will outline development strategies for specific blocks in the downtown.
- o Phase 5 (IMPLEMENTATION) will consist of the implementation of the Study.

PHASE 1 - BACKGROUND

Phase 1 will review current conditions and trends affecting the Central Business District. In addition, a C.B.D. boundary will be defined during the phase of the Study.

This phase of the study will consist of the following steps:

1. Identify the C.B.D. boundary. To date, specific boundaries for the City's C.B.D. have yet to be established.
2. Review current policies which affect development and land use in the Central Business District, including:
 - o Regional Official Plan;
 - o Hamilton Official Plan;
 - o Downtown Action Plan;
 - o Regional Economic Strategy;
 - o Neighbourhood Plans;
 - o + 15 policies; and,
 - o draft Central Area Plan.
3. Establish a hierarchy of roads and pedestrian routes in the Central Area based on Buchanan models.

4. Identify development constraints in the Central Business District. These constraints include:
 - o land costs;
 - o heritage buildings and areas;
 - o zoning and site plan regulations;
 - o market conditions;
 - o condition of buildings;
 - o Official Plan; and,
 - o existing perceptions.
5. Review past trends relating to:
 - o demographic and household characteristics;
 - o employment;
 - o development activities;
 - o land uses;
 - o business activities;
 - o movement (pedestrian, traffic, transit and bicycles); and,
 - o parking and loading.

Background information and presentation panels will be prepared and reviewed by CAPIC and a Technical Committee (see Section 4). Consultants will be hired and used on an advisory basis.

PHASE 2 - ANALYSIS

This phase of the Study will examine and identify opportunities for redevelopment in the Central Business District, particularly key blocks which are presently vacant or underutilized. In addition, the Study will analyze the present and future functions of areas within the C.B.D. and identify opportunities for linkages.

Phase 2 of the study will include the following steps:

1. Analyse need for facilities and services.
2. Identify key properties, block and areas on which development or redevelopment would be appropriate. These will be primarily vacant and underutilized sites or have potential for rehabilitation. During this exercise areas which merit preservation will also be identified.
3. Analyze the potential for changes in land uses and activities and identify preferred land use on a property by property basis.
4. Examine the inter-relationship of buildings and areas. Existing and potential linkages between areas will also be identified.
5. Review problems and issues associated with development and activities within the C.B.D., e.g. parking, through-traffic and pedestrian movement.

6. Identify unique areas which may merit special policy attention, e.g. transitional, institutional or government services, retail, mixed use, residential and office areas.
7. Address the impact of policies and regulations on C.B.D. development. Examples include current restrictions and opportunities for residential or mixed use development.

Work will be reviewed by the Technical Committee and CAPIC. Consultants will be used in an advisory capacity.

PHASE 3 - POLICY DEVELOPMENT

Land use and urban design options will be developed, evaluated and preferred concept developed. The need for policy changes will be reviewed.

Steps in this phase will be:

- 1) Generation of alternative land use and urban design concepts. Potential land uses at various levels will be identified and the pedestrian linkages of the internal block will be established. Entrance points of each block will be worked out to ensure that the interrelationship of each block, as well as, the overall development of the C.B.D. functions well.
- 2) Evaluation of options and identification of a preferred concept. A blueprint for the future will be established in map form. Although developments may not follow the blueprint the overall concept should be preserved.
- 3) Review of Official Plan, Central Area Plan, Neighbourhood Plan, and other policies to determine need for changes.

Work will be reviewed by Technical Committee and CAPIC. A Consultant will be used extensively to prepare designs, renderings and isometric drawings on a block by block basis. A public meeting will be held.

PHASE 4 - DEVELOPMENT STRATEGIES

Phase 4 of the Study is intended to catalyse development on key blocks. Planning design briefs will be prepared for guidance of publicly and/or privately owned blocks.

Steps in this phase are:

- 1) Identify blocks based on the importance of the block for redevelopment and to the C.B.D.

- 2) Develop a planning design brief including land use, massing, setbacks, heights, pedestrian linkages, servicing, historic preservation etc. Visual representations will be prepared to suggest type and appearance of possible development.

Work in this phase will be reviewed by the Technical Committee and CAPIC. A consultant will be used to illustrate the planning design briefs.

PHASE 5 - IMPLEMENTATION

This phase will involve a final report which will include recommendations on:

- o the C.B.D. plan
- o the necessary policy changes; and,
- o setting up the mechanisms for initiating development on key blocks and monitoring.

The work will be reviewed by the Technical Committee and CAPIC. Agency comments will be incorporated as appropriate. The document will be presented to the Planning and Development Committee at a public meeting and the necessary approvals obtained from Council.

4. PUBLIC PARTICIPATION AND TECHNICAL SUPPORT

The involvement of a Technical Committee and the Central Area Plan Implementation Committee has already been noted in the Study Approach. A Technical Committee would be formed from the following agencies:

- o Planning Development Department;
- o Community Development Department;
- o Real Estate Department;
- o Traffic Department;
- o Economic Development Department; and,
- o Ministry of Municipal Affairs.

CAPIC will provide public participation in addition to the opportunities for public comment provided through public meetings in Phase 3 and Phase 5. CAPIC was formed from the CAPAC committee which prepared the original Central Area Plan during 1979 and 1980.

The current CAPIC membership is as follows:

Alderman David Christopherson (Chairman)
John Nolan (Vice-Chairman), Chamber of Commerce
Dr. Andrew Burghardt, (Dr. Bill Anderson - alternative), McMaster University
Mark Boyak, Hamilton Real Estate Board
Bruce Charlton
Russell Elman, Coalition on Sensible Transit and Durand Association
Ozzie Ferguson, United Senior Citizens of Ontario
Rev. Charles Forsyth, First Place
Arthur Lomax, Hamilton Automobile Club
Howard Mark, Local Architectural Conservation Advisory Committee
Gabriel Etele, Downtown Business Improvement Area
Kay Nolan, Hamilton-Wentworth Roman Catholic Separate School Board
Bruce Rankin, Hamilton Society of Architects
Gillian Simmons, North End Neighbourhood
Gloria DeSantis (Clodagh Stoker-Long, alternative) Social Planning and Research Council
Marvin Wasserman, King East Business Association
David Cohen, Corktown Stinson Neighbourhoods

This committee advises the Planning and Development Committee on Central Area matters.

The Planning and Development Department will co-ordinate the project. Architectural/Urban Design Consultants will be used to supplement in-house expertise and develop the detailed development scenarios.

5. STUDY TIMING

It is anticipated that the study will take one year of lapsed time in accordance to the Critical Path in Appendix 1.

6. STUDY COSTS

The total cost of the study is estimated to be \$70,000 broken down in Table 1.

It is anticipated that funding for 50% of the Study Costs could be provided from the Ministry of Municipal Affairs in the form of a Community Planning Grant. The City would be responsible for the remaining costs of the study, which would be derived from the Planning and Development Department's budget, through assignment of Planning staff and support services.

TABLE 1

CENTRAL BUSINESS DISTRICT STUDY

ESTIMATE OF STAFF TIME AND COSTS

Phase 1	BACKGROUND	DAYS	COST \$
	Manager	5	1,190
	Planner 1	10	1,890
	Planner 3	10	1,540
	Student	<u>60</u>	<u>8,100</u>
		85	12,720
Phase 2	ANALYSIS	DAYS	COST \$
	Manager	5	1,190
	Planner 1	25	4,725
	Planner 3	<u>25</u>	<u>3,850</u>
		55	9,765
Phase 3	POLICY DEVELOPMENT	DAYS	COST \$
	Manager	10	2,380
	Planner 1	20	3,780
	Planner 3	<u>20</u>	<u>3,080</u>
		50	9,240
Phase 4	DEVELOPMENT STRATEGIES	DAYS	COST \$
	Manager	10	2,380
	Planner 1	10	1,890
	Planner 3	<u>20</u>	<u>3,080</u>
		40	7,350
Phase 5	IMPLEMENTATION		
	Manager	5	1,190
	Planner 1	<u>20</u>	<u>3,780</u>
		25	4,970
Planning Department Staff Time - Total		225	44,045

Note: All costs based on 1988 rates.

TABLE 1 Cont'd ...

SUMMARY COST

Planning Department Staff (255 days)	\$44,045
Consultant	10,000
Cartographic and Technical Support	7,000
Printing	5,000
Secretarial/Administrative	2,000
Computer	500
<u>Contingency</u>	<u>1,455</u>
GRAND TOTAL	\$70,000

BJ:DG/dkp/CS

WP 0056P

1988	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	JANUARY	FEBRUARY	MARCH	APRIL
1988								

1989

APRIL

PLAY

JUNE

JULY

AUGUST

SEPTEMBER OCTOBER

NOVEMBER

DECEMBER

JANUARY

FEBRUARY

MARCH

APRIL

Phase 1

Phase 2

Phase 3

Phase 4

Phase 5

Meetings

TC	CA
0	0

TC	CA
0	0

01

TC	CA
0	0

0 31

00 TC CA

0 PD

PM 12 00

0	0
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00

TC	Technical Committee
CA	Central Area Plan Implementation Committee (CAPIC)
PD	Planning and Development Committee
PM	Public Meeting
C	Council

802.

F O R A C T I O N

REPORT TO: SUSAN REEDER, ACTING SECRETARY
 PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
 PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 February 15
COMM FILE:
DEPT. FILE: DA-88-06
Rushdale Neighbourhood

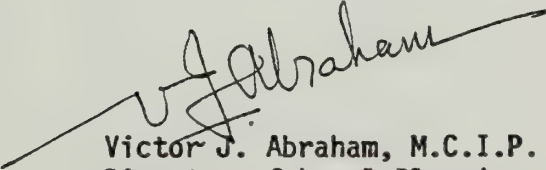
SUBJECT:

Site Plan Control Application DA-88-06 for 615 Stone Church Road East

RECOMMENDATION

That approval be given to Site Plan Control Application DA-88-06 by
Appleridge Co-Operative Homes Inc. owners of the lands known as 615 Stone
Church Road East subject to the following:

- i) modification to the plans in relation to notes, dimensions, and landscaping as marked in red on the plans;
- ii) submission of a revised grading plan to the satisfaction of the Commissioner of the Hamilton-Wentworth Engineering Department;
- iii) finalization of land severance application H-130-87 which included dedication of lands along the Stone Church Road East road allowance for road widening purposes;
- iv) provision of modified subdivision agreements with the City and the Region to cover all municipal services;
- v) submission of a revised road access layout to the satisfaction of the Director of Traffic Services; and,
- vi) submission of revised building elevations for the porch addition to the existing heritage building to the satisfaction of the Director of Local Planning, Planning & Development Department.


Victor J. Abraham, M.C.I.P.
Director of Local Planning

BACKGROUND

Plans have been submitted for a 35 unit townhouse development at 615 Stone Church Road East. An existing listed heritage building will be retained on the property and used as a community meeting hall with a children's playground area adjacent to the house.

The townhouse units will be constructed with brick and aluminum siding with asphalt shingle roofs. The units are two and three storeys in height.

Landscaping will be provided around the entire site.

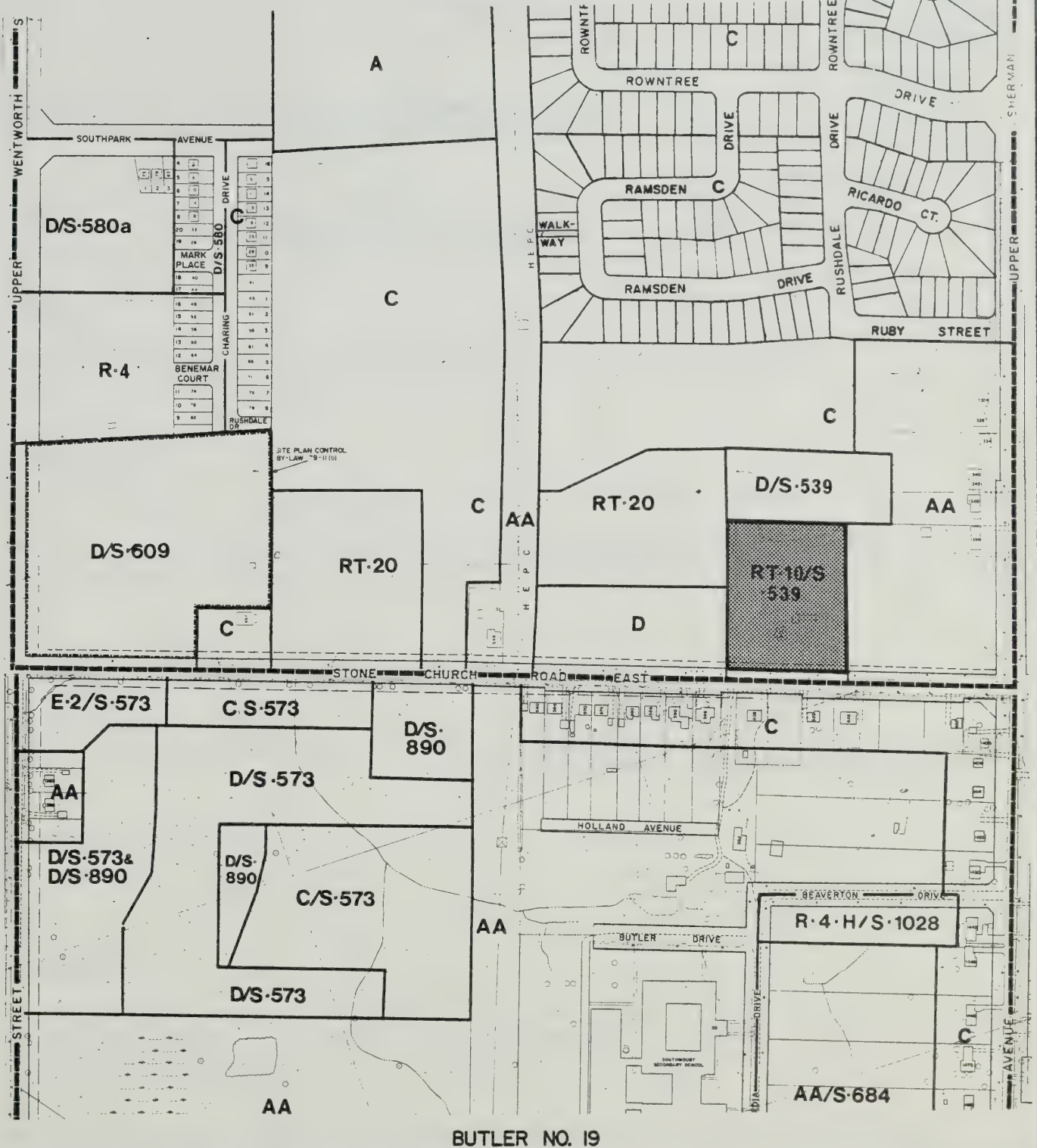
The Traffic and Hamilton-Wentworth Engineering Departments have noted concerns on the location and design of the access driveway from Stone Church Road East. The applicant is discussing and providing a redesign of the area to the satisfaction of those departments.

Further information is also required for some details on the proposed exterior features of the existing structure which is to be retained. The applicant is presently revising these plans and will be submitting some additional information.

Finalization of a land severance application, road widening and provision of appropriate subdivision agreement are also required for the development.

VJA/JPS/dae
WP 0309P

RUSHDALE NO. 118



BUTLER NO. 19

PLAN SHOWING
LANDS SUBJECT TO

SITE PLAN CONTROL
APPLICATION DA-88-06

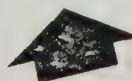
Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



SITE OF THE APPLICATION

North



Scale
1:5,000

Date
JAN, 1988

Reference File No.
DA-88-06

Drawing No.

FOR ACTION

8 d.
(i)

REPORT TO: SUSAN REEDER, ACTING SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 February 25
COMM FILE:
DEPT. FILE: D.8.1

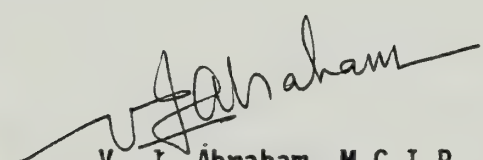
SUBJECT:

Review of Development Permit Application W/R/87-88/269 to the Niagara Escarpment Commission - 748 Scenic Drive.

RECOMMENDATION

The City of Hamilton Planning and Development Committee recommends:

"That City Council inform the Niagara Escarpment Commission it is opposed to the location of the satellite dish within the front yard at 748 Scenic Drive."


V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

Mr. Peter Merk, owner of 748 Scenic Drive, has requested the Niagara Escarpment Commission to grant a permit to legalize the installation of a satellite dish, 4.28 m (14') in height, 3.06 m (10') in diameter, presently located within the front yard of his residential property.

The applicant has indicated that the reasons for locating the satellite dish within the front yard are:

- a) the site was chosen for the best reception; and,
- b) the satellite dish is located on the same side as an abutting unopened road allowance, thus will not encroach on any residential property.

OFFICIAL PLAN

The subject lands are designated "Residential" in the Official Plan.

FORMER ZONING

The lands are zoned within the "B-1" (Suburban Agricultural and Residential, etc.) district of the former Zoning By-law.

COMMENTS RECEIVED

The Hamilton-Wentworth Engineering Department has advised that:

- o Public watermains as well as sanitary sewers are available to service the subject lands.
- o They do not anticipate any further road allowance widenings at this time.
- o They have no objection to the satellite installation subject to the following:
 - That it be located on private property;
 - That it be set back a minimum of 6.096 m (20 ft.) from the Scenic Drive road allowance.

COMMENTS

1. The proposal complies with the intent of the Official Plan.
2. The proposal cannot be supported for the following reasons:
 - o The location of the satellite dish within the front yard conflicts with the intent and purpose of the Zoning By-law which prohibits accessory structures in the front yard.
 - o The location of a satellite disk in the front yard is considered to be an inappropriate use in a residential area.
 - o The satellite dish is visually obtrusive and out of character with the existing streetscape.
 - o To permit the satellite dish within the front yard may set an undesirable precedent for future similar applications.
3. The satellite dish was erected without the necessary approvals being sought.

CONCLUSION

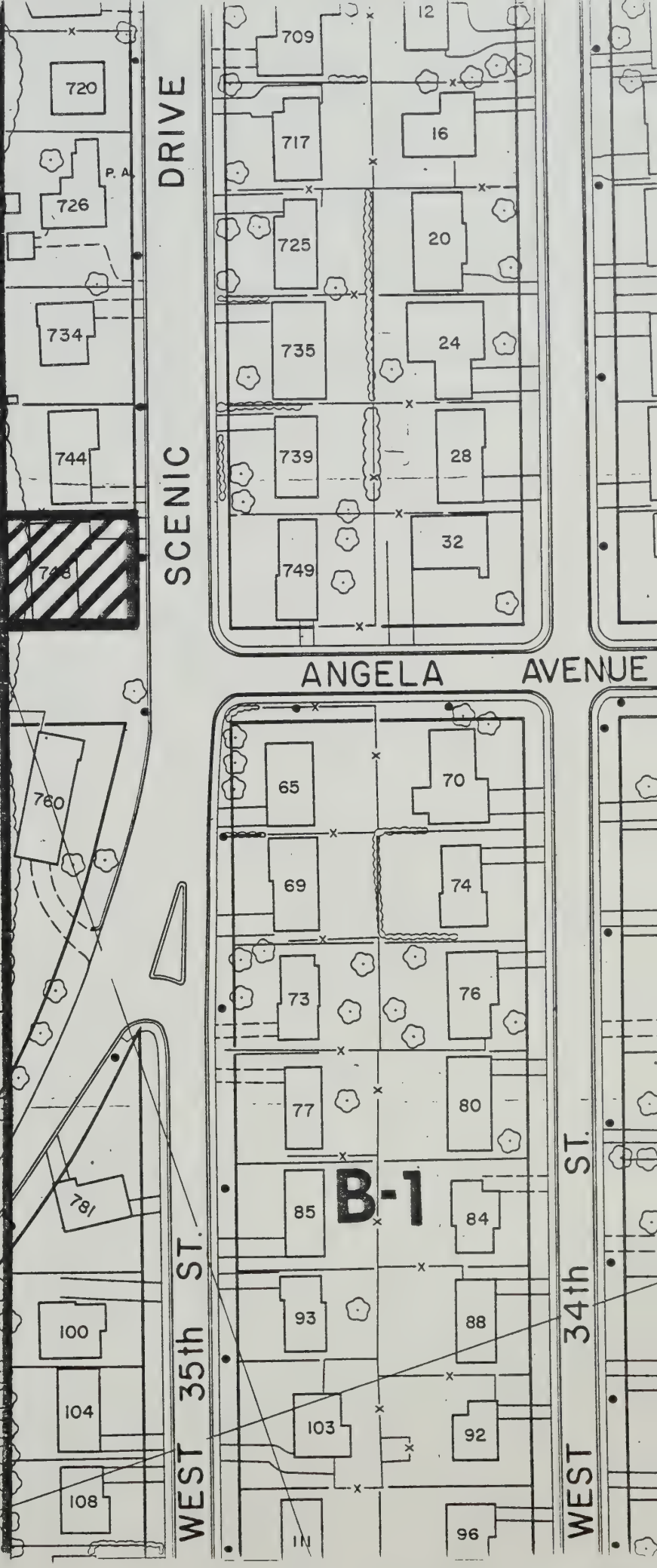
On the basis of the foregoing, the application cannot be supported.

N.H.:nd

W.B. DOC 0060B

AA

SITE OF THE APPLICATION



FOR ACTION

3d.
(ii)

REPORT TO: SUSAN REEDER, ACTING SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 February 29
COMM FILE:
DEPT. FILE: D.8.1

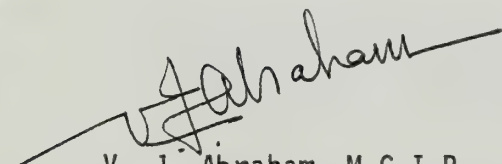
SUBJECT:

Review of Development Permit Application W/C/87-88/154 of the Niagara Escarpment Commission - 20 Pritchard Road.

RECOMMENDATION

The City of Hamilton Planning and Development Committee recommends:

"That City Council inform the Niagara Escarpment Commission it is opposed to the establishment of a used car lot, installation of a portable building for office use and a 20 car parking area, in addition to the existing single-family dwelling on the subject lands located at 20 Pritchard Road."


V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

Mr. Mushtaq Muza, owner of 20 Pritchard Road, has requested the Niagara Escarpment Commission to grant a development permit to allow the establishment of a used car lot, installation of a portable building for office use, and a 20 car parking area on his property in addition to the existing single-family dwelling.

The applicant has indicated that he intends to install a 10' x 12' portable building as the office for the proposed car lot and also establish a stone covered parking lot, to contain a maximum of 20 cars.

OFFICIAL PLAN

The subject lands are designated "Open Space" on Schedule "A". Although a number of uses are permitted, including undeveloped parks, public or private recreation areas, the proposed used car lot is not a permitted use within the "Open Space" designation.

The subject lands are located within Special Policy Area 1b on Schedule B - Special Policy Area. Policies under Subsection A.2.9.1 - Niagara Escarpment applies to the proposal.

Policy A.2.9.1.4 regarding SPECIAL POLICY AREA 1b (Niagara Escarpment), states that Council will not support non-essential developments which will detract from the unique visual and scenic qualities of the brow face or land in the immediate vicinity. The proposed car lot would appear to detract from the visual and scenic qualities of the area, especially when considering that the long-term intention for the area is OPEN SPACE.

The subject lands are designated "Hazard Lands" on Schedule "C", wherein no encroachment of development is permitted.

The subject lands also abut an environmentally sensitive area, thus Subsection A.3.2 - Environmentally Sensitive Areas of the Official Plan applies to the proposal.

Policy A.3.2.8 regarding Environmentally Sensitive Areas, states that lands abutting Environmentally Sensitive Areas will be developed in a manner to protect and complement the adjacent area. The intrusion of a commercial use into the area would not appear to protect or complement the adjacent Environmentally Sensitive Area.

Based on the above, the proposal does not comply with the intent of the Official Plan.

NEIGHBOURHOOD PLAN

The subject lands are designated "Open Space" within the Albion Falls Approved Neighbourhood Plan. The proposal does not comply with the intent and purpose of the Neighbourhood Plan.

FORMER ZONING

The lands are zoned within the "AA" (Agricultural) district of the former Zoning By-law. The "AA" zoning category would not permit commercial development of the lands. Thus, the proposal does not comply with the former Zoning By-law regulations.

COMMENTS RECEIVED

- The Local Architectural Conservation Advisory Committee has no comment.

- The Hamilton Region Conservation Authority has advised that:

"The planning staff of the Hamilton Region Conservation Authority has considered the above noted proposal. The subject lands are located east of Red Hill Creek in the Albion Falls Neighbourhood. This area was examined in 1980 in connection with the Albion Falls Neighbourhood Plan. The study limits were based on the alignments of the proposed Mountain and Red Hill Creek Expressways."

COMMENTS

1. The proposal conflicts with the intent of the Official Plan and the approved Albion Falls Neighbourhood Plan which designates the subject lands as "Open Space."
2. The proposal cannot be supported for the following reasons:
 - The proposed commercial use would not be permitted under the former "AA" (Agricultural) Zoning district;
 - The proposed commercial use would be incompatible with the existing residential and proposed open space uses in the surrounding area.
 - It is felt that an approval of the proposed commercial use would set an undesirable precedent for future similar applications in the area.

CONCLUSION

On the basis of the foregoing, the application cannot be supported.

N.H.:nd

W.P. DOC. 0130P



9.

F O R A C T I O N

REPORT TO: SUSAN REEDER, ACTING SECRETARY
 PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
 PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 February 23
COMM FILE:
DEPT. FILE: ZA-87-120
McQuesten West
Neighbourhood

SUBJECT:

Request for a modification to the established "C" (Urban Protected Residential, etc.) District regulations - No. 42 Beland Avenue South.

RECOMMENDATION

- (a) That approval be given to Zoning Application ZA-87-120, Josephine Banek, owner, for a modification to the established "C" (Urban Protected residential, etc.) District regulations applicable to property at No. 42 Beland Avenue South, as shown on the attached map marked as APPENDIX "A" on the following basis:
- i) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-Law No. 6593 applicable to the subject lands be modified on the following basis.
 - a) Notwithstanding Section 9 (1) (ii) of By-law No. 6593 the existing two-family dwelling shall be permitted.
 - ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on zoning District Map E-85 be notated S- ;
 - iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-85;
 - iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

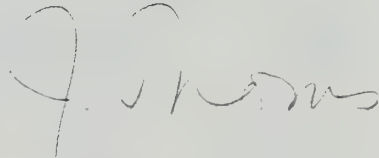
EXPLANATORY NOTE

The purpose of the By-law is to modify the established "C" (Urban Protected Residential, etc.) District regulations applicable to property located at No. 42 Beland Avenue South as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit the two family dwelling situated on the property at the date of passing of this By-law.


V. J. Abraham, M.C.I.P.
Director of Local Planning

Department


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

On the basis of information obtained from the Building Department file on this property, a building permit was issued in 1954 for the construction of a 1 1/2 storey single-family dwelling. It appears that the previous owner converted the second floor of the dwelling into a one bedroom self contained apartment during 1956 without proper authorization. The Fire Department upon checking the premises sometime ago advised the owner to provide an alternative means of access (fire escape) from the second floor unit. Recently, the current owner applied for a permit for construction of a fire escape which was issued with the proviso that issuance of the permit did not legalize the second dwelling unit. The applicant was advised by the Building Department to file a zoning application to legalize the second dwelling unit.

APPLICANT

Josephine Banek, owner.

LOT SIZE AND AREA

- o 11.88 m (39.0 ft.) of lot frontage on Beland Avenue South
- o 28.35 m (93.0 ft.) of lot depth; and,
- o 336.95 m² (3,627 sq. ft.) of lot area

LAND USE AND ZONING

<u>Subject Lands</u>	<u>Existing Land Use</u>	<u>Existing Zoning</u>
	two family dwelling	"C" (Urban Protected Residential, etc.) District
<u>Secondary Lands</u>		
to the north	single family dwellings	"C" (Urban Protected Residential, etc.) District
to the south	single family dwellings	"C" (Urban Protected Residential, etc.) District
to the east	one and two family dwellings	"C" (Urban Protected Residential, etc.) District
to the west	single family dwellings	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN

Designated "Residential," the proposed complies.

NEIGHBOURHOOD PLAN

A Neighbourhood Plan is not available for the McQuesten West Neighbourhood.

COMMENTS RECEIVED

- o The Building Department, has advised that "The proposed use is contrary to Section 9 (i) of Zoning By-law No. 6592. The Parking requirements shall confirm to Section 18A of Zoning By-law No. 6593".
- o The Traffic Department, Regional Engineering Department and the Hamilton Region Construction Authority have no comments or objections.

COMMENTS

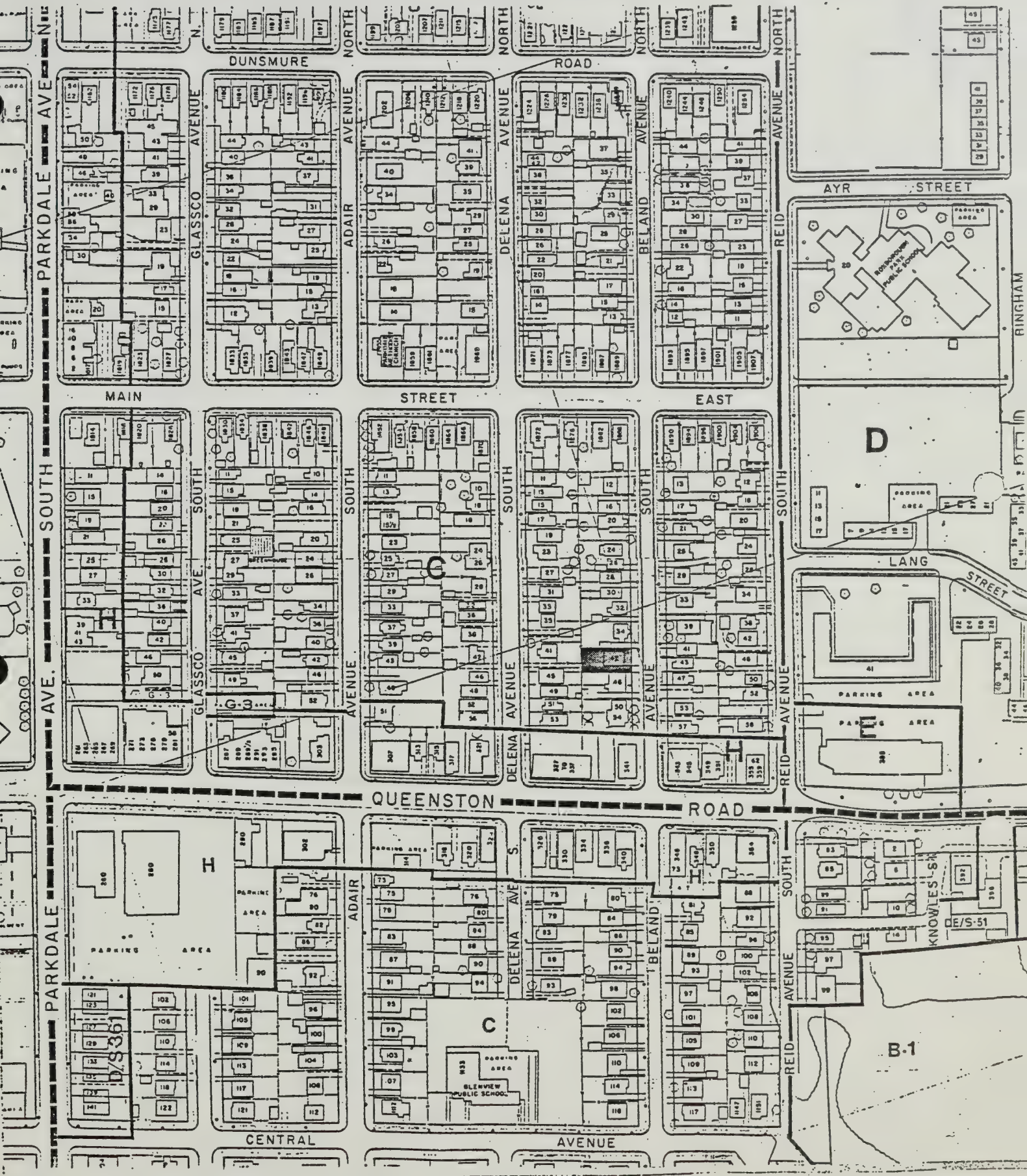
1. The proposal complies with the Official Plan.
2. A Neighbourhood Plan is not available for the McQuesten West Neighbourhood.
- 3 The proposal has merit and warrents consideration for the following reasons:
 - o On the basis of information available, it appears that the second dwelling unit has been in existence for the past 32 years without any apparent problem;
 - o Two stacked off-street parking spaces can be provided in an asphalt paved driveway next to the house;
 - o At the time of site inspection of the property there was no evidence to indicate that on street parking is a problem in this area;
 - o There is no visible evidence from the street to indicate that the dwelling is converted into two dwelling units.
 - o The property is one of the largest lots in the area along Beland Avenue between Queenston Road and Main Street.

CONCLUSION

On the basis of the foregoing, the application can be supported.

GW/ma

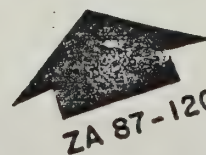
WP 0118P



LEGEND



SITE OF THE APPLICATION



ZA 87-120

Febr 21 1988

9a

Sir or Madam

ZA87-120

Here are a few reasons we do not like to
changes the zoning by law on 42 Beland ave south
first the devaluation of our Property on
34 Beland ave south, and privative in our Backyard
it is a good residence street, and we would like
it to stay that way.
noise and parking is a big problem
if you open the doors for one where is it going
to stop

Mr & Mrs A. Vinken

47 Beland Ave. S.

HAMILTON

L8H 1B9

10.

FOR ACTION

REPORT TO: SUSAN REEDER, ACTING SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 February 26
COMM FILE:
DEPT. FILE: ZA-87-134
GREENFORD
NEIGHBOURHOOD

SUBJECT

Request for a modification in zoning - property located at rear of No. 149 Nash Road South.

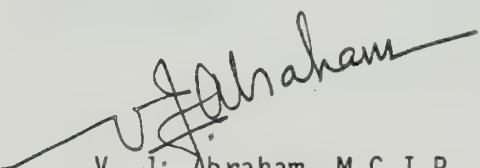
RECOMMENDATION

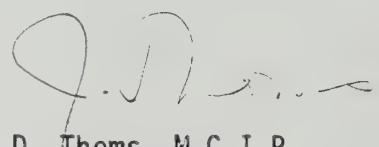
- (a) That approval be given to Zoning Application 87-134, Sisters of St. Joseph of the Diocese of Hamilton, prospective owner, to establish a modification to the existing "AA" (Agricultural) District, for property located at the rear of No. 149 Nash Road South, as shown on the attached map marked as APPENDIX "A", on the following basis:
- i) That the "AA" (Agricultural) District provisions applicable to the subject lands be amended to provide for the following special requirement:
 - 1. That Schedule "A" to By-law No. 84-146, as amended by By-law No. 84-275, be amended by adding the lands shown as Block "1" on the attached APPENDIX "A", thereto;
 - ii) That the amending by-law be added to Section 19B of Zoning By-law No. 6593, as Schedule S-867b, and that the subject land on Zoning District Map E-106 be notated S-867b;
 - iii) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593, as amended by By-law Nos. 84-146 and 84-275, and Zoning District Map E-106;
 - iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
 - v) That the Greenford Neighbourhood Plan be amended accordingly by redesignating the subject lands and the balance of the Church lands to "Civic and Institutional".
- (b) That By-law 79-275 respecting Site Plan Control, as amended by By-law Nos. 84-147 and 84-276 be amended by establishing Site Plan Control on the subject lands.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a modification to the existing "AA" (Agricultural) District, for property located at the rear of No. 149 Nash Road South, as shown on the attached map marked as APPENDIX "A".

The effect of the by-law is to include the subject property as part of the adjoining lands for the proposed Ambulatory Care Facility (Out-Patient Hospital).


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

- Proposal

The applicant requests a modification to the existing "AA" (Agricultural) District, to permit the lands at the rear of No. 149 Nash Road South to be used in conjunction with similarly-zoned lands for the development of an Ambulatory Care facility (Out-Patient Hospital).

- By-law No. 84-146

On June 24, 1984, City Council passed By-law No. 84-146 which modified the "AA" (Agricultural) District zoning on adjacent lands owned by the applicant to permit an Ambulatory Care Facility (Out-Patient Hospital).

- By-law No. 84-275

On December 11, 1984, City Council passed By-law No. 84-275. The purpose of the By-law was to provide for a change in zoning from "C" (Urban Protected Residential, etc.) District to "AA" (Agricultural) District, modified, for property at No. 171 Nash Road South.

The effect of the By-law was to include the property as part of the lands for the Ambulatory Care Facility (Out-Patient Hospital).

- Land Severance Application H-128-87

On August 25, 1987, the Hamilton-Wentworth Land Division Committee approved application H-128-87 on behalf of The Trustees of St. Nicholas Serbian

Orthodox Church to convey the subject lands to be added to an adjoining parcel to be used for an Ambulatory Care Facility.

Approval of the application was granted on, among others, the condition that the applicant submit proof of final approval of any necessary change of zoning/zoning amendment.

It should be noted that the severance application was made in conjunction with an application by the applicant (i.e., Sisters of St. Joseph - H-127-87) as part of a land exchange.

APPLICANT

The Sisters of St. Joseph of the Diocese of Hamilton, prospective owner.

LOT SIZE AND AREA

The subject property consists of the rear portion of 149 Nash Road South, and is 59.9m (196.55 feet) by 50.11m (164.42 feet) for an area of approximately 3,002.0 m² (0.7 ac.).

LAND USE AND ZONING

	<u>EXISTING LAND USE</u>	<u>EXISTING ZONING</u>
<u>SUBJECT LANDS</u>	Vacant	"AA" (Agricultural) District
<u>SURROUNDING LANDS</u>		
To the North	Vacant and single-family dwellings (Ambulatory Care Facility site)	"AA" (Agricultural) District, modified
<u>SURROUNDING LANDS</u>		
To the South and East	Vacant lands and orchard (Ambulatory Care Facility site)	"AA" (Agricultural) District, modified
To the West	Church and single-family dwellings	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN

Designated "Major Institutional", the proposal complies.

NEIGHBOURHOOD PLAN

Designated for "Single and Double Residential" on the approved Greenford Neighbourhood Plan, the proposal does not comply. Approval of the application would require a redesignation to "Civic and Institutional".

RESULTS OF CIRCULARIZATION

- The following agencies have no comment or objection:
 - The Ministry of Health;
 - The Hamilton Region Conservation Authority;
 - The Building Department;
 - The Traffic Department; and,
 - The Hamilton-Wentworth Department of Social Services.
- The Hamilton-Wentworth Department of Engineering has advised that:

"...public watermains, as well as a separate storm and sanitary sewers, are available to service the subject lands."

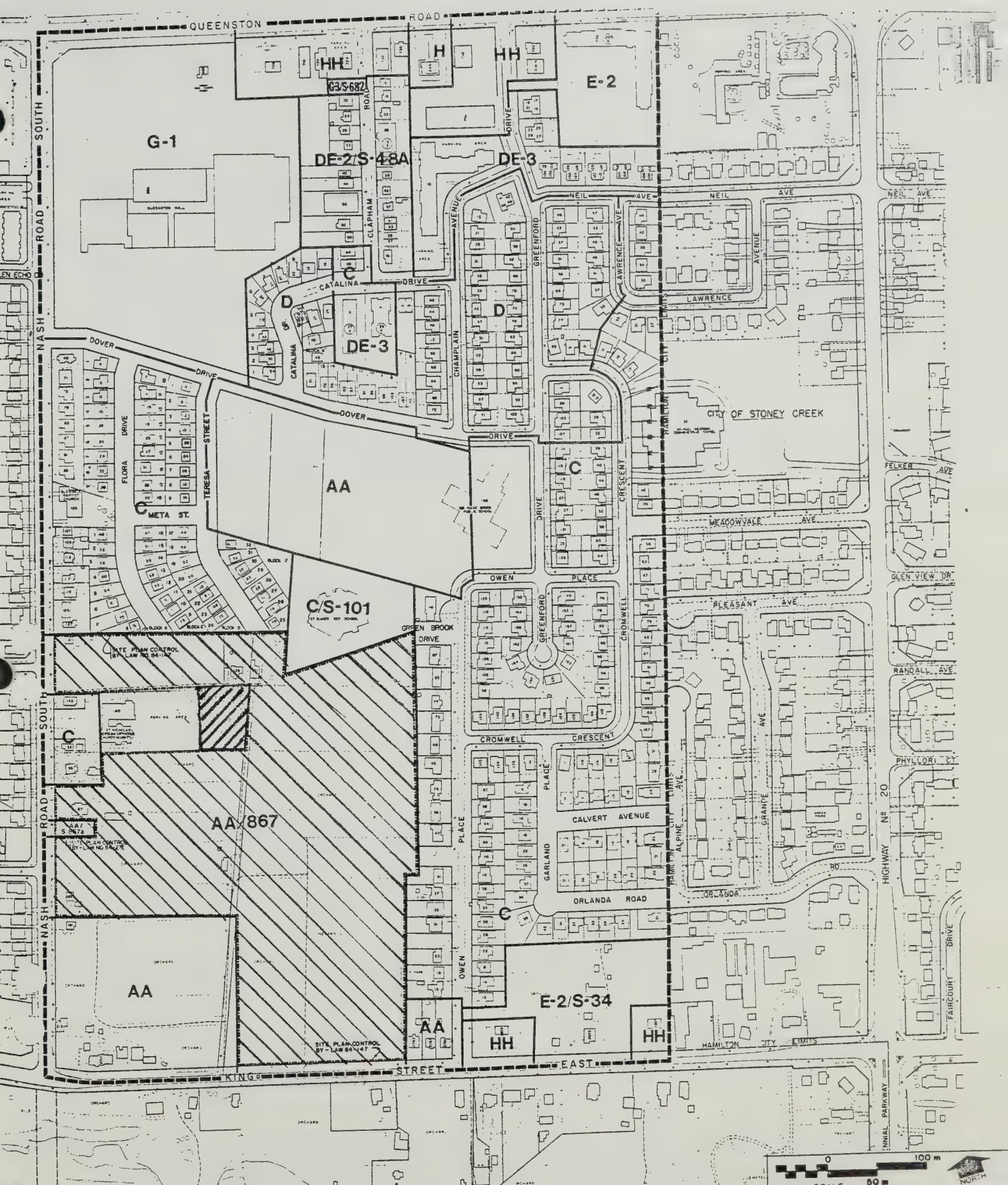
COMMENTS

1. The proposal complies with the intent of the Official Plan.
2. The proposal would require a modification to the approved Greenford Neighbourhood Plan to redesignate the subject lands from "Single and Double Residential" to "Civic and Institutional".



On the basis that surrounding lands to the north, south, east and west are already designated "Civic and Institutional", it would be appropriate to also redesignate the balance of the Church lands.
3. Approval of the application would establish uniform zoning for the entire site which is to be developed for the Ambulatory Care Facility (Out-Patient Hospital), and would implement one of the conditions of approval for land severance on the subject lands (see Background).
4. Considering that the adjoining lands for the Ambulatory Care Facility have been placed under Site Plan Control, it would be appropriate to similarly designate the subject lands.

CONCLUSION

On the basis of the foregoing, the application can be supported.



LEGEND.

Block "1" 
 Block "2" 

SITE OF THE APPLICATION.
 PRESENT LANDS OF AMBULATORY CARE FACILITY (OUT-PATIENT HOSPITAL).

PLANNING UNIT NO 6405	2487-134	PAGE NO 55
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11.

F O R A C T I O N

REPORT TO: SUSAN REEDER, ACTING SECRETARY
 PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
 PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 March 3
COMM FILE:
DEPT. FILE: ZA-87-136
 ALLISON
 NEIGHBOURHOOD

SUBJECT:

Request for a modification to the established "G-1" (Designed Shopping Centre) District - vacant lands on the east side of Upper James Street in the area south of Rymal Road.

RECOMMENDATION

- a) That Zoning Application ZA-87-136, Chrysler Canada Limited, Lessee requesting a modification to the established "G-1" (Designed Shopping Centre) District regulations applicable to property located on the east side of Upper James Street, in the area south of Rymal Road, as shown on the attached map marked as APPENDIX "A" be denied as submitted, for the following reasons:
 - i) The requested modification to the established "G-1" (Designed Shopping Centre) District is considered inappropriate for an automobile car dealership.
- b) That approval be given to an amended Zoning Application ZA-87-136, Chrysler Canada Limited, Lessee for a change in zoning from "G-1" (Designed Shopping Centre) District to "HH" (Restricted Community Shopping and Commercial, etc.) District, for property located on the east side of Upper James Street, in the area south of Rymal Road, as shown on the attached map marked as APPENDIX "A", on the following basis:
 - i) That the subject lands be rezoned from "G-1" (Designed Shopping Centre) District to "HH" (Restricted Community Shopping and Commercial, etc.) District;
 - ii) That the "HH" (Restricted Community Shopping and Commercial, etc.) District regulations as contained in Section 14A of Zoning By-law No. 6593, be modified to include the following variances as special requirements:
 - 1) That notwithstanding the provisions of Section 14A(1) of By-law No. 6593, an automobile body/fender repair shop and paint shop shall be permitted as an ancillary use to an automobile dealership;

- 2) That notwithstanding Section 14A(3)(a) of By-law No. 6593, a maximum of two ground signs shall be permitted at a distance of not less than 3.0m from the future street line of Upper James Street;
- 3) That notwithstanding Sections 18(3)(ivc)(b) and (c) of By-law No. 6593, a minimum 3.0m wide public walkway and a minimum 1.5m wide planting strip shall be provided along the southerly property line, and a chain link fence not less than 1.2m in height and not greater than 2.0m in height shall be provided and maintained along the boundary between the walkway and the planting strip.
- iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on zoning District Map E-9E be notated S- ;
- iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9E;
- v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

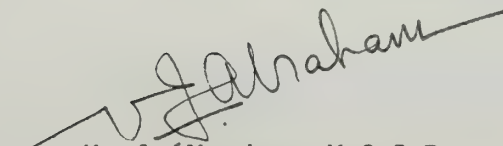
EXPLANATORY NOTE

The purpose of the By-law is to provide for a change in zoning from "G-1" (Designed Shopping Centre) District to "HH" (Restricted Community Shopping and Commercial, etc.) District, for lands located on the east side of Upper James Street in the area south of Rymal Road, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit a new and used car dealership on the subject lands.

In addition, the By-law provides for the following variances to the "HH" (Restricted Community Shopping and Commercial, etc.) District:

1. to permit an auto body/fender repair and paint shop in conjunction with the proposed automobile car dealership;
2. to permit two ground signs to be located within 3.0m of the future street line of Upper James Street, whereas a set back of 12.0m would be required;
3. to require a minimum 3.0m wide public walkway and a minimum 1.5m wide planting strip along the southerly property line, and a chain link fence not less than 1.2m in height and not greater than 2.0m in height along the boundary between the walkway and the planting strip.


V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

The purpose of the application is to modify the established "G-1" zoning to permit the establishment of a car dealership (new and used) including the following accessory uses:

- offices;
- repair garage;
- auto body, paint and repair shop;
- parts department;
- one business identification pylon sign and two ground signs.

The applicant has submitted a preliminary site plan which proposes a building at a maximum height of 7m (22.96 ft.) which will house the above-noted uses. (See APPENDIX "B" attached.) The bulk of the site is occupied by outdoor display areas for new and used cars, a new car storage compound, access and maneuvering areas, as well as surface parking for a total of 71 cars. A 1.5m (4.92 ft.) wide landscaped strip, including a 1.5m (4.92 ft.) high visual barrier is proposed along the easterly property line and along part of the southerly property line. A 1.5m (4.92 ft.) wide landscaped strip is also proposed along the Upper James Street frontage (except for the access driveways). The proposed signs are situated in the front yard adjacent to Upper James Street and are located 3.0m (9.84 ft.) from the street line as widened.

To provide pedestrian access between Upper James Street and Allison Crescent, the applicant has provided a 1.5m (4.92 ft.) wide walkway along and within the southerly property limits.

ECONOMIC FACTORS

The proposal involves the relocation of an existing Chrysler dealership from the lower city, and jobs associated with the current operation. Manpower for the project will consist of people mainly from firms located in the Hamilton-Wentworth Region. Total cost of the project is expected to exceed \$1,000,000.

APPLICANT

Chrysler Canada Limited, Lessee.

LOT SIZE AND AREA

An irregular-shaped parcel of land having:

- 147.82m (485.0 ft.) of lot frontage on Upper James Street;
- 85.59m (280.83 ft.) average lot depth; and,
- 13,371 m² (143,930 sq. ft.) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant	"G-1" (Designed Shopping Centre) District
<u>Surrounding Lands</u>		
To the north	gas bar and MacDonal'd's restaurant	"G-1" (Designed Shopping Centre) District
To the south	single-family dwellings	"HH" (Restricted Community Shopping and Commercial, etc.) District and "B" (Suburban Agricultural Residential) District
To the east	single family dwellings and vacant lands	"B" (Suburban Agricultural Residential) District
To the west	mixed use commercial/residential	"HH" (Restricted Community Community Shopping and Commercial, etc.) District

OFFICIAL PLAN

Designated "Commercial", the proposal complies.

COMMENTS RECEIVED

- The Building Department has commented on the basis of a modified "G-1" Zoning and advises as follows:
 - "1. It would be necessary to provide a minimum of 67 parking spaces (2.7m x 6.0m) and show them on the plan.
 2. Minimum two loading spaces (3.7m x 18.0m) shall be provided.

3. A planting strip of at least 3.0m and visual barrier between 1.2m and 2.0m high shall be provided and maintained along the lot lines adjoining the residential district and no parking or other use shall be permitted within said 3.0m strip.
4. An amendment to the By-law is required for a car dealership with a body shop (not permitted in "G-1" zoning district). (The car dealership is a permitted use within an "HH" District.)
5. Minimum required rear yard in "G-1" zoning district is 9.0m. (The "HH" District requires a 6m (19.69 ft.) rear yard.)
6. Parking for existing uses on the lot shall conform to zoning requirements.

Signs

A business identification sign that is a wall sign or roof sign shall not be more than 2.0m (6.56 ft.) in height. The total aggregate area for all signs shall not exceed 0.5m² (1.64 ft.) of the exterior lineal face of the building. Requirements of Zoning By-law 6593, Section 13A (1) (x) will not permit a ground sign. The "HH" District permits a ground sign and wall signs (Section 14A(1)(c))."

- The Traffic Department has advised that:

"Our review of the preliminary plan indicates that the northerly access to the site is to be located directly across from Kennedy Road and immediately south of an existing traffic island on Upper James Street. In order to provide storage for vehicles turning left into the site from southbound on Upper James Street, we recommend that the traffic island be removed and the two-way left turn lane be extended southerly. The cost of this roadway improvement and any other improvements deemed necessary at the site plan control stage of development will be at the developer's expense."

- The Hamilton-Wentworth Engineering Department has advised in part as follows:

". . . public watermains as well as separate sanitary and storm sewers are available to service the subject lands.

The designated road allowance width of Upper James Street is 36.58m (120 ft.). We recommend, as a condition of approval, that sufficient lands be dedicated to the Region to establish this designation.

". . . there are uneven widenings taken at this intersection based on the existing centreline of construction on Upper James Street. We therefore, recommend that the applicant's surveyor contact the Regional Surveyor Department (526-4185) prior to preparing the survey plan. This road allowance widening is +3.048m (10 ft) in width.

Any work within the Upper James Street road allowance, as widened, must conform to the Region's Roads Use By-Law. No signs, retaining walls, etc. are permitted within the road allowance as widened.

The City of Hamilton Traffic Department will comment on the actual design of the access. We do not anticipate any roadway improvements on Upper James Street with the intended use. The maximum grade of the driveway taken from the future curb/gutter elevation to the property line is not to exceed 3%. The future curb line will be +5.50m from the widened street line. The applicant should be advised of these requirements in order that he may incorporate these needs into the site plans.

According to our records, the Allison Neighbourhood plan has not been prepared nor approved to date. However, the plans seem to indicate an extension of Allison Crescent to Upper James Street has been considered.

Prior to the approval of this application, we recommend that the status of this street extension be considered by Committee and the City of Hamilton Council. In this regard, comments from the City of Hamilton Traffic Department and municipal servicing requirements should be considered.

We also recommend that these lands be developed through site plan control."

- The Hamilton Region Conservation Authority, Niagara Peninsula Conservation Authority, and the Local Architectural Conservation Advisory Committee Staff have no comments or objections.

COMMENTS

1. The proposal complies with the Official Plan.
2. The proposal has merit for the following reasons:
 - The site is suitably located on a major arterial road (Upper James Street);
 - It would be compatible with existing and proposed commercial development comprised of retail commercial shopping areas and highway commercial type uses within the Upper James Street corridor;
 - Autobody repair and paint shops are customary components of a modern automobile dealership;
 - Several similar applications to permit automobile dealerships within the Upper James Street corridor have been approved (e.g. Nethercott, John Bear, Johnston).

3. Considering the nature and type of use proposed, it would be more appropriate to rezone the subject lands to a modified "HH" (Restricted Community shopping and Commercial, etc.) District. In this regard, it is noted that a modified "HH" District is the zoning normally applied to car dealerships (e.g. John Bear, Nethercott).
4. The Building Department has advised that the proposal would involve the following variances to the "HH" District:

- SIGNS

To permit two ground signs within 3.0m of the future street line of Upper James Street, whereas a front yard setback of 12.0m is required (Section 14A(3)(a)).

The requested variance can be supported as it would be consistent with the setback required for the business identification sign, and would maintain a uniform streetscape.

- LANDSCAPING

- a) To permit a 1.5m (4.92 ft.) wide planting strip and parking within 3.0m (9.84 ft.) of the easterly property line, whereas, a minimum 3.0m (9.84 ft.) wide planting strip is required along every side yard or rear yard adjoining a residential district, and no parking or other use shall be permitted within the said 3.0m (9.84ft.) strip or within the residential district (Section 18(3)(ivc)(b)).

The variances cannot be supported as there is no justifiable reason. Furthermore, the proposed reduction in the width of the planting strip would not provide for an adequate buffer between the car dealership and adjoining residential development. In this regard, the intent of the By-law is to provide greater distance separation for automobile related uses where they adjoin residential districts.

- b) To permit a 1.5m (4.92 ft) wide planting strip including a visual barrier and a 1.5m (4.92 ft) wide walkway along the southerly lot line, whereas, a minimum 3.0m (9.84 ft) wide planting strip and visual barrier are required.

The proposal has merit, however, it would be more appropriate to increase the walkway to 3.0m (9.84 ft) in width, thereby bringing it up to municipal standards. For purposes of public safety it would be advisable to require a chain link fence instead of a visual barrier. In addition, the chain link fence should be provided along the boundary between the walkway and the planting strip.

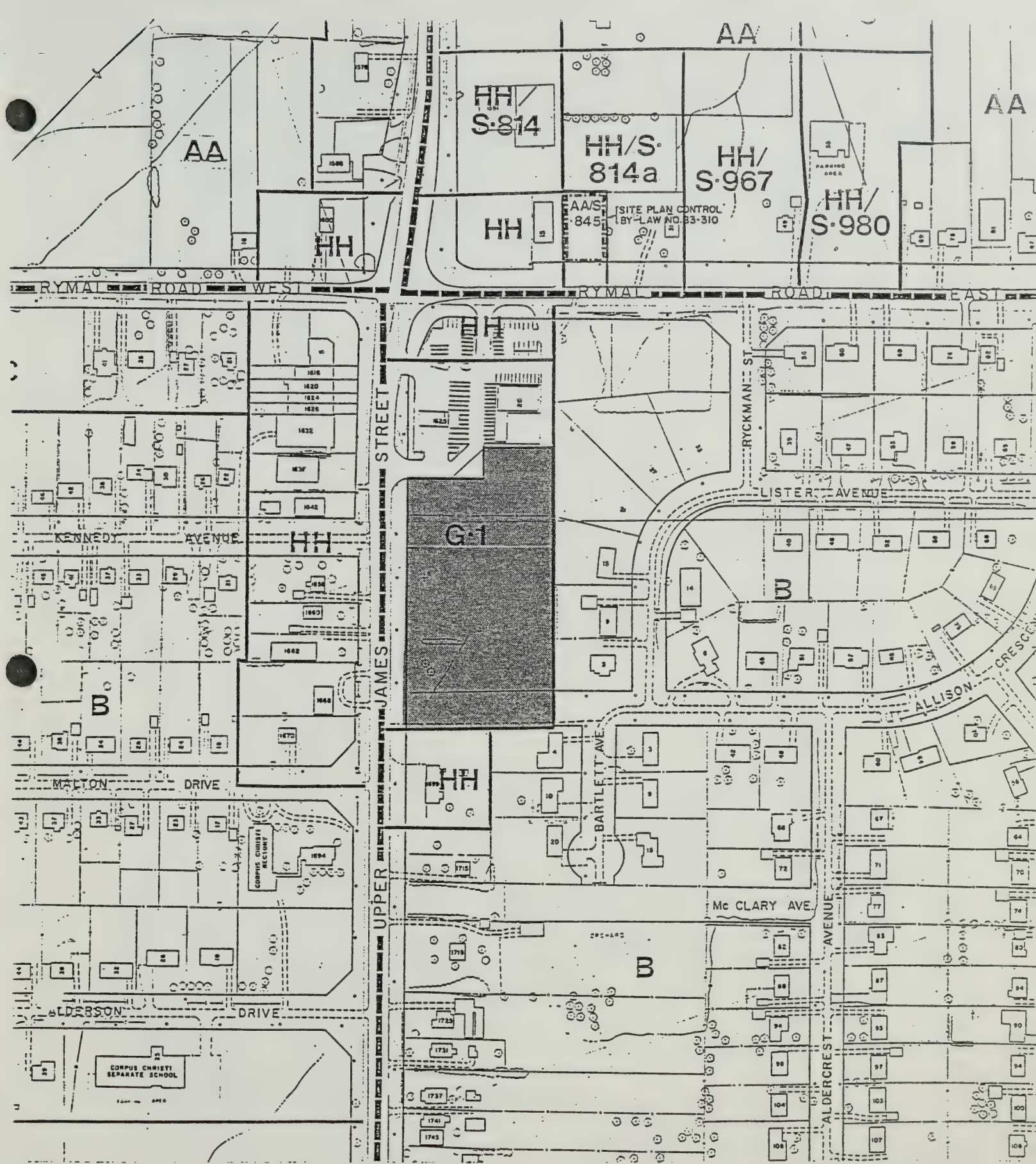
This walkway currently provides pedestrian access between Allison Crescent and Upper James Street. Pedestrian crossing of Upper James Street at this location is controlled by a traffic signal. Dedication/acquisition of the land for walkway purposes can be considered under Site Plan Approval.

5. Under the "HH" District regulations, the lands are subject to Site Plan Control By-law 79-275. Matters such as paving, access, grading, etc., can be reviewed at the site plan stage of development.

CONCLUSION

The proposal to modify the established "G-1" (Designed Shopping Centre) District to permit the proposed development cannot be supported, as it is not considered appropriate for an automobile car dealership. However, consideration can be given to an amended zoning application for a change in zoning from a "G-1" District to an "HH" (Restricted Community Shopping and Commercial, etc.) District, modified, which better reflects the type of use proposed.

GW/ma
Attach.

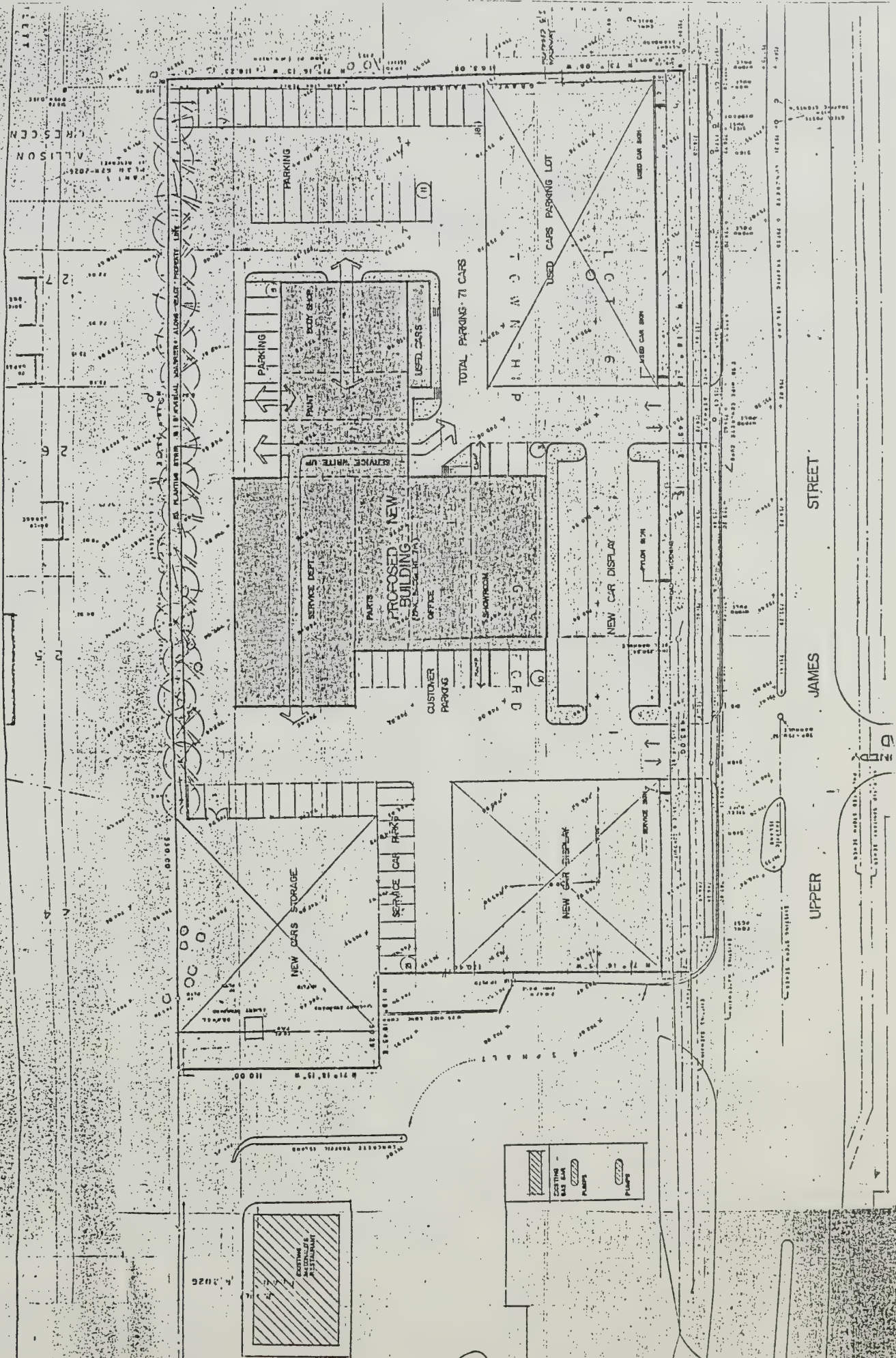


LEGEND



SITE OF THE APPLICATION





JAMES STREET

UPPER

12.

FOR ACTION

REPORT TO: SUSAN REEDER, ACTING SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

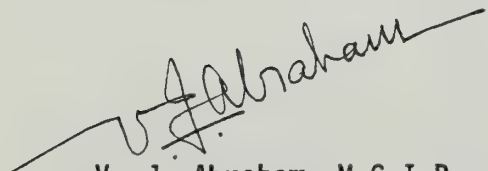
DATE: 1988 March 1
COMM FILE:
DEPT. FILE: ZA-87-132
DA-87-121
Durand
Neighbourhood

SUBJECT:

Request for modification in zoning and Site Plan Control Application - No. 222 Jackson Street West.

RECOMMENDATION

- (a) That Zoning Application 87-132, Wentworth Condominium Corporation No. 46, owner, requesting a modification to the "E-3" (High Density Multiple Dwellings) District, to permit the conversion of an open landscaped area of approximately 190m² (2,043 sq. ft.) and a covered terrace of approximately 68m² (738 sq.ft) at the rear of property located at No. 222 Jackson Street West into 7 visitor parking spaces, as shown on the attached map marked as APPENDIX "A", be denied for the following reasons:
- i) It would negatively impact on adjoining residential units within the condominium (e.g. noise, fumes, light, etc.); and
 - ii) It would set a precedent for future similar applications.
- b) That Site Plan Control Application DA-87-121 by Wentworth Condominium Corporation No. 46, owners of the lands at 22 Jackson Street West, be denied.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

● Proposed Development

The applicant has requested a modification to the "E-3" (High Density Multiple Dwellings) District regulations. The purpose of the proposed modification is to permit the conversion of an open landscaped area of approximately 190m² (2,043 sq. ft.) and a covered terrace of approximately 68m² (738 sq. ft.) at the rear of the subject apartment building into seven (7) parking spaces for visitors.

The Plans of Site Plan Control Application DA-87-121 provide specific details of layout and landscaping for the proposal.

● DA-74-05

At its meeting held on May 15, 1974, the Planning and Development Committee approved Development Application 74-05, and on June 26, 1974 the Development Agreement was Registered.

Revised plans were approved by the Planning and Development Committee on October 22, 1975, and were Registered on November 25, 1975.

On September 10, 1980, the applicant applied for further amendments to the approved development plan to enclose open landscaped areas on the ground floor, and to remove a landscaped area to provide for additional visitor parking. The Planning and Development Committee approved the application subject to the approval of the variances through the Committee of Adjustment respecting an increase in the total gross floor area of the building resulting from the enclosure and removal of the landscaped areas.

● Committee of Adjustment

At its meeting of November 11, 1980, the Committee of Adjustment considered Minor Variance Application A-80-193, and decided to approve the variance to permit the enclosure of the ground floor landscaped area, but denied the request to remove landscaping to permit additional visitor parking.

As a result of an objection lodged by shareholders in the building, an Ontario Municipal Board hearing was held on August 6, 1981, in connection with the minor variance application, at which time the Ontario Municipal Board set aside the application granted by the Committee of Adjustment and dismissed the application for variance because the variance was deemed to be more than a "minor variance".

● By-law No. 83-289(ZA-83-21)

By-law No. 83-289 was passed by Council on October 26, 1983. The purpose of the By-law was to modify the "E-3" (High Density Multiple Dwellings) District regulations applicable to the subject lands. The effect of the By-law was to allow for the conversion of an open landscaped area of 287.7m² (3,000 sq. ft.) at the rear of the building into 9 visitor parking spaces.

The By-law was subsequently appealed to the Ontario Municipal Board. The Board allowed the appeals as it considered the By-law "grossly inadequate in minimizing possible impact by itself and, unless accompanied by very well considered and binding controls by way of other documents in means which should be evident before approval is given for any development..."

APPLICANT

Wentworth Condominium Corporation No. 46, owner.

LOT SIZE AND AREA

The subject property is located at the north-west corner of Jackson and Hess Streets and has:

- 65.8m (215.8 ft) of frontage along Jackson Street West;
- 49.4m (161.9 ft) of frontage along Hess Street South; and
- approximately 2,988m² (32,162 sq. ft.) of lot area.

LAND USE AND ZONING

	<u>EXISTING LAND USE</u>	<u>EXISTING ZONING</u>
<u>SUBJECT LANDS</u>	87 suite condominium apartment building	"E-3" (High Density Multiple Dwellings) District
<u>SURROUNDING LANDS</u>		
to the north	commercial and residential	"HI" (Civic Centre Protected) District
to the south	apartment buildings	"E-3" (High Density Multiple Dwellings) District
to the east	apartment building and a shopping concourse	"HI" (Civic Centre Protected) District, modified
to the west	an apartment building	"E-3"(High Denisty Multiple Dwellings) District

OFFICIAL PLAN

Designated "Residential" and within "Special Policy Area 3" (Central Policy Area) - the proposal complies.

NEIGHBOURHOOD PLAN

Designated for "High Density Apartments" in the approved Durand Neighbourhood Plan - the proposal complies.

RESULTS OF CIRCULARIZATION

- The following agencies have no comment or objection:
 - LACAC;
 - Ministry of Transportation and Communication;
 - Traffic Department; and
 - The Hamilton Region Conservation Authority.

- The Hamilton-Wentworth Department of Engineering has advised as follows:

"Public watermains as well as storm and sanitary sewers are available to service the subject lands.

The designated road allowances of Jackson & Hess Streets is 20.12m (66 ft.). We do not anticipate any further road allowance widenings at this time.

According to the plans submitted, there are brick and concrete walls within the Hess Street and Jackson Street road allowances. These appear to be retaining walls and they require an encroachment agreement with the City of Hamilton as a condition of development approval.

The alley leading from Main Street to the parking area is privately owned and only 3.66m (12 ft.) in width. Therefore, 2-way traffic can not be accommodated in the alley which may require the traffic to reverse onto Main Street.

We recommend that comments from the City of Hamilton Traffic Department be obtained.

We require a complete and detailed grading plan of the property, including the landscaped areas and the alleyway(s) for our review and comments."

- The Building Department has advised as follows:
 1. "A variance from the Committee Adjustment is required for the proposed gross floor area of 116,565 square feet rather than the 81,089 square feet which is permitted.

2. Under the 1975 and 1987 columns, the ground floor building area is 1,600 square feet. Under the building statistics, the ground floor building area is 800 square feet. If the 1,600 square feet figure is correct, than this will increase the proposed gross floor area to 117,365 square feet."

COMMENTS

1. The proposal complies with the Official Plan and the approved Durand Neighbourhood Plan.
2. Prior to submitting the subject application the applicant retained a consultant (landscape architect) to examine options and alternatives to create additional visitor parking spaces. In addition to the proposed location, four (4) alternative areas (see APPENDIX "B") were evaluated and considered unsuitable/inappropriate by the applicant's consultant. A summary of the rationale for eliminating each alternative area is as follows (see APPENDIX "B" for full explanation):

- AREA 1

The close proximity to ground floor units and limited access requiring the vehicles to back out onto the street make this an unsuitable location.

- AREA 2

This area is essential in maintaining the well treed, landscape frontage that characterizes the property. This landscaped area minimizes the impact the apartment building has on the streetscape and the adjacent properties.

- AREA 3

Limited access requiring the vehicles to back out onto the street and the areas close proximity to the intersection make this an inappropriate site for additional parking.

- AREA 4

The paved area needed to provide access from the alleyway along with 7 parking stalls each with proper manoeuvring space, would be twice the area as that required for the proposed location...Although parking development in this area is possible, it would have a greater negative impact than the proposed location.

3. Historically (see background), the concept of providing additional visitor parking space on the subject lands has been supported. However, the proposed location for 7 visitor parking spaces cannot be supported for the following reasons:

- since the proposed parking area abuts the building, it would negatively impact on adjoining residential units within the condominium (eg. noise, fumes, light, etc.); and
- it would set a precedent for future similar applications respecting the conversion of covered landscaped areas.

It should be noted, that in delivering its decision on the previous application (ZA-82-31) the OMB stated, in part, as follows:

"If the concept were to be followed, the cars would park some 12 feet from his balcony and he would be subject to all the annoyances and impacts that would accrue from lights, fumes, obstruction of view and landscaping he has previously come to enjoy for his investment, etc. There is no evidence before him, council or this Board, to indicate how that impact can be minimized nor, in fact, have any steps been taken through this By-law or any other planning tool to address these concerns..." (para. 4, page 3).

Although mitigative measures (ie. 5 foot high woodscreen and new plantings) have been incorporated in the design to buffer the proposed parking area from adjoining uses to the west, the parking area has been brought into juxtaposition with the condominium, thereby further aggravating the original problem(s). In fact, the original proposal could be deemed more acceptable, in that it provided a 3.6m (12 foot) setback within which appropriate buffering may have been provided between the condominium and the parking area.

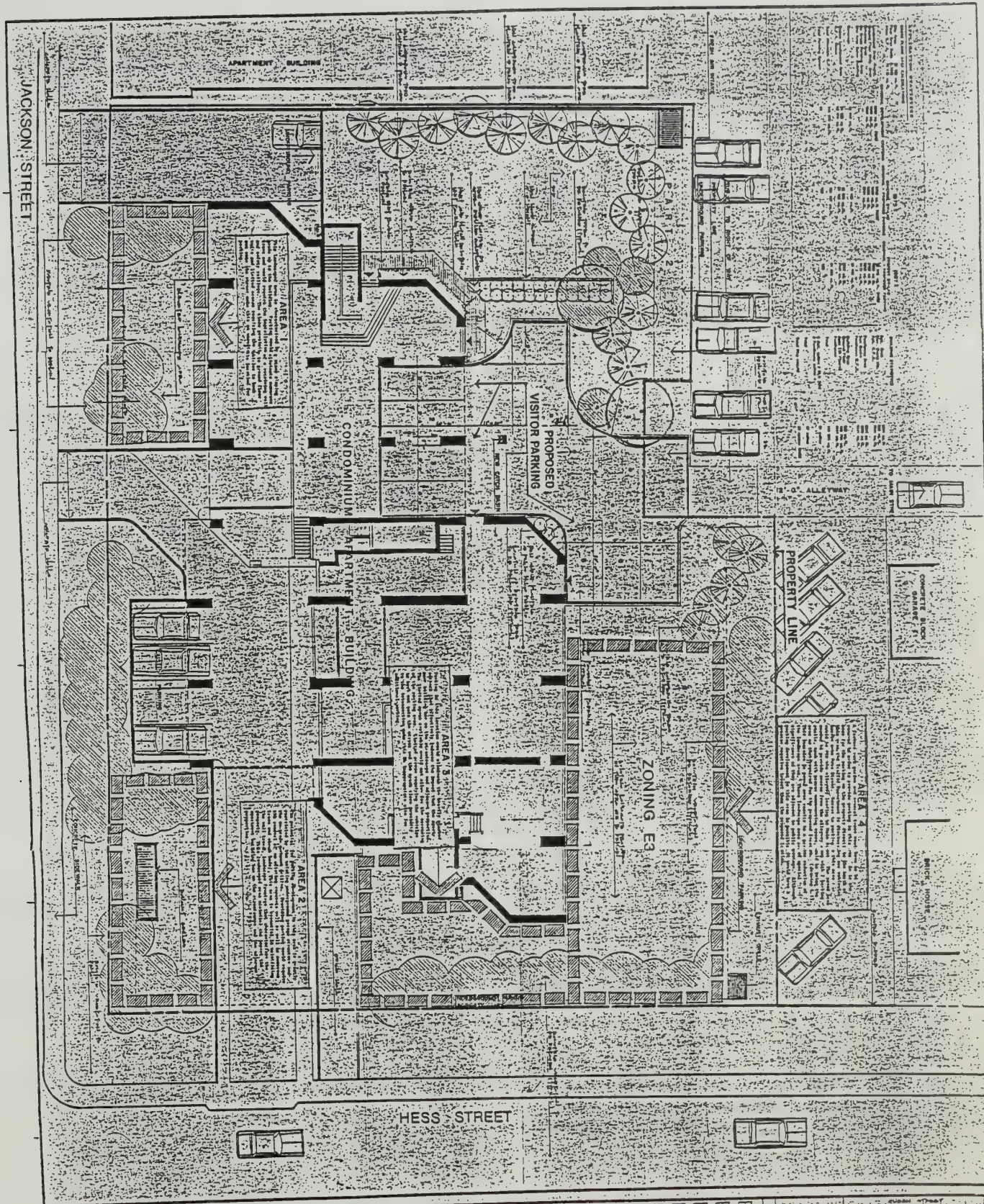
The applicants landscape architect has suggested that provision of an overhead structure could reduce the impact of the proposal on the condominium. However, it is not anticipated that such structure would effectively mitigate the potential impact.

4. The DA must comply with the Zoning By-law therefore, the plan as submitted cannot be supported.
5. Consideration could be given to supporting the provision of additional visitor parking on AREA 2 (see APPENDIX "B"). It is anticipated that approximately 4-6 spaces could be provided in this area while still maintaining a minimum 1.5m (5 foot) landscape strip adjacent to Jackson and Hess Streets, thereby effectively maintaining the character of the streetscape.

Furthermore, given its location adjacent to the access driveway and the existing visitor parking spaces, it would be readily accessible; utilize less landscape open space; and provide for minimal impact on the condominium and adjoining uses with respect to spill-over effects (eg. noise, fumes, lights, etc.).

CONCLUSION

On the basis of the foregoing, the proposal as submitted cannot be supported.



LEGEND

- Property Line
- Proposed Building Footprint
- Proposed Parking
- Proposed Landscaping
- Proposed Fencing
- Proposed Signage
- Proposed Access
- Proposed Driveway
- Proposed Walkway
- Proposed Storm Drain
- Proposed Sewer Line
- Proposed Water Line
- Proposed Gas Line
- Proposed Electric Line
- Proposed Telephone Line
- Proposed Cable Line
- Proposed Fire Hydrant
- Proposed Fire Alarm
- Proposed Fire Sprinkler
- Proposed Fire Extinguisher
- Proposed Fire Escape
- Proposed Fire Exit
- Proposed Fire Alarm
- Proposed Fire Sprinkler
- Proposed Fire Extinguisher
- Proposed Fire Escape
- Proposed Fire Exit

FRANK PAGANO LANDSCAPE ARCHITECTS LTD.

222 JACKSON STREET
VANCOUVER, CANADA
V6C 2E8
TEL: 604-681-1111
FAX: 604-681-1112
WWW.FPAC.COM

LANDSCAPE PLAN

PROJECT 8

DATE: 10/1/11

SCALE: 1/4" = 1'-0"

CHANGED: 1/2

REVISION: 1/1

DATE: 10/1/11

FOR ACTION

13.

REPORT TO: SUSAN REEDER, ACTING SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

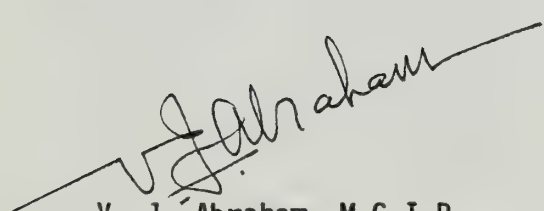
DATE: 1988 February 09
COMM FILE:
DEPT. FILE: P5-2-55

SUBJECT:

Requested unopened road allowance closure between 41 and 49 Owen Place,
Greenford Neighbourhood

RECOMMENDATION

- (a) That the neighbourhood plan be amended to delete the unopened road allowance and designate the lands for single and double residential.
- (b) That the closure and disposal of the unopened road allowance be referred to the Transport and Environment Committee.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

EXPLANATORY NOTE

The City of Hamilton has applied to the Regional Engineering Department for the closure of the unopened road allowance to allow it to be sold for a building lot. Owners and residents affected by the proposal have been notified of the proposed change.

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

- The Regional Municipality of Hamilton-Wentworth Department of Engineering forwarded an unopened road allowance closure request to the Planning and Development Department for consideration.
- The request to close the unopened road allowance (33.2 m X 20.1 m) (109' X 66') was made by the City's Property Department on behalf of the Corporation of the City of Hamilton.
- The City is proposing to give a 3 m (10') easement to St. Joseph's Ambulatory Care Service for water and sewer services and sell the lot as a residential building lot, subject to the easement (see attached road allowance closure application form).
- This request requires a neighbourhood plan amendment before it can be processed by the Transport and Environment Committee.

Analysis

The unopened road allowance was to provide access for developing the lands between Owen Place and Nash Road and has been shown on the Greenford Neighbourhood plan since it was approved in 1967.

The East End Community Health Service Facility Task Force in 1983 selected the land between Owen Place and Nash Road for a future hospital site. Therefore, the unopened road allowance is no longer required for vehicular access. Pedestrian access to the hospital site from the interior of the neighbourhood is provided at Greenbrook Drive. Unless there is support from the hospital and the residents in the area for a walkway, pedestrian access should not be provided. Deleting the proposed road from the neighbourhood plan allows for the land to be included in the single and double land use designation and the City would be able to sell the land for a building lot.

Conclusion

The establishment of the hospital site has eliminated the need for the unopened road allowance to be part of the neighbourhood road pattern. Pedestrian access to the hospital can be via Greenbrook Drive or King Street. Therefore, the requested unopened road allowance closure and sale of the land for a building lot is acceptable.

GG/dkp

WP 0021P



THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Department of Engineering
71 Main Street West, Hamilton, Ont. L8N 3T4 (416) 526-4170

ID#0010D (42)

Refer to File No. T103-03(232)
Attention of R.P. Meiers
Your File No.

TO: D. Godley, Planning Department
FROM: R.P. Meiers, Engineering Department
RE: Request for Road Allowance Closure-West Side
of Owen Place between 41 and 49 Owen Place

Gentlemen:

This department has received a request to have the above noted road allowance closed. Enclosed is a drawing showing the subject closure.

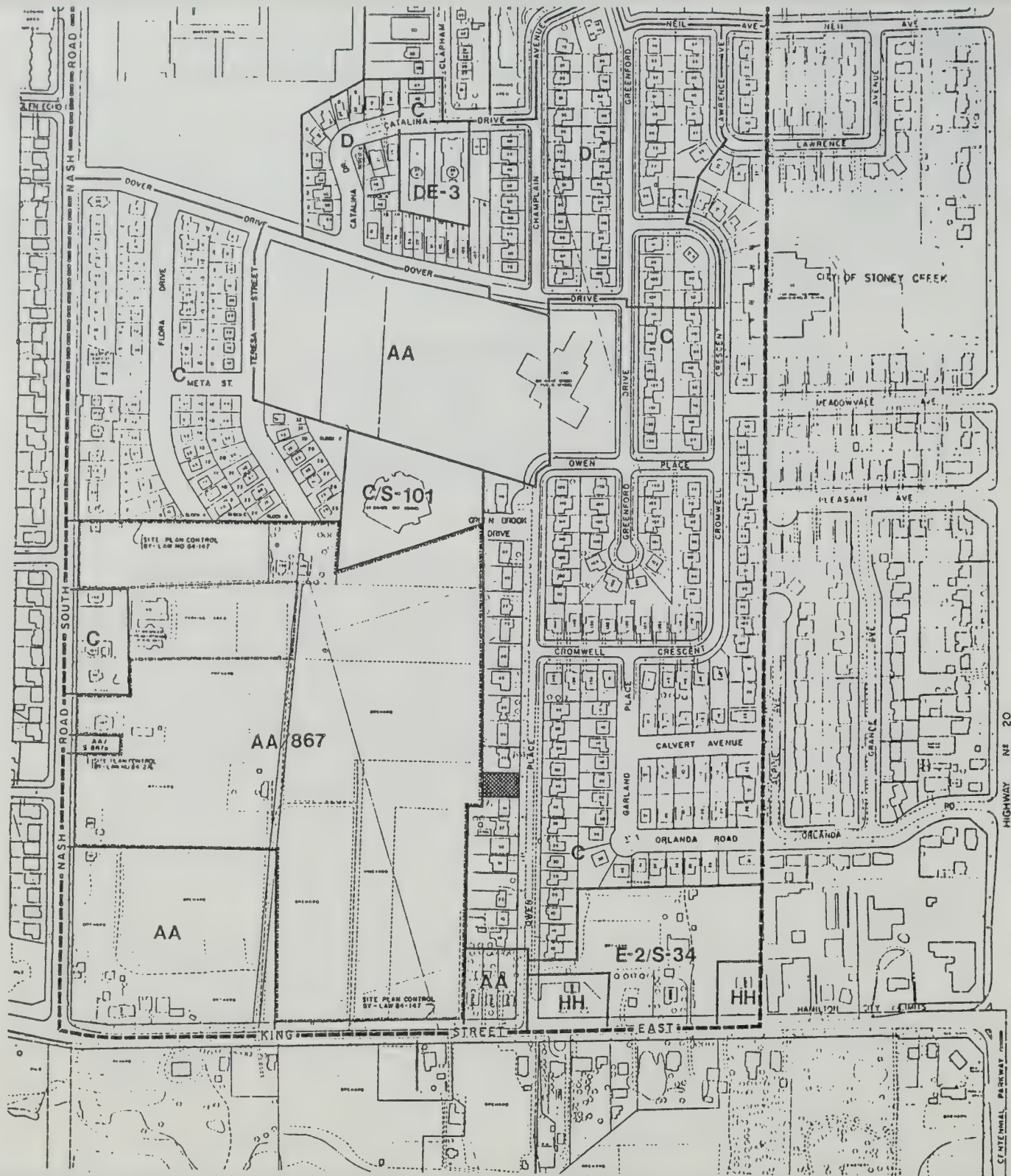
Since this road allowance is within an approved neighbourhood plan, we ask that this closure request be forwarded to the Planning and Development Committee for consideration.

Following the Committees recommendation, we will then forward the appropriate response to the applicant, or the Transport and Environment Committee.

RPM/ma

DM

DG 24 94 66



PROPOSED ROAD ALLOWANCE CLOSURE

REGIONAL MUNICIPALITY OF HAMILTON - WENTWORTH
DEPARTMENT OF ENGINEERING

LEGEND



PROPOSED CLOSURE

SCALE

1:5000

FILE NO.

T103-03(232)

NORTH





THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Department of Transportation
(ROADS) 71 Main Street West, Hamilton, Ont. L8N 3T4 (416) 526-4277
(TRANSIT) 18 Wentworth St. N., Hamilton, Ont. L8L 5V1 (416) 527-4441

FILE NO. <u>T/03-03/232</u>	
LETTER NO.	
DEPT. OF ENGINEERING	
JAN 4 1988	
ROUTE	RECVD
ENV. SER.	READ BY
ENG. SER.	
TRANS.	ANS. BY
REG. DIV.	FILED BY
LAB	
SOL.	

ID #0010D

ROAD ALLOWANCE CLOSURE APPLICATION FORM

Applicants Name: Corporation of the City of Hamilton

Address: 71 Main Street West

Telephone No.: 526-4509

Date of Application: December 23, 1987

Agents Name: Property Department, Real Estate Division

Address: 71 Main Street West

Telephone No.: 526-4509 Mrs. A. Cipriani

Name of Proposed Road Allowance Closure:

From: W.S. Owen Place Between 41 & 49

To: Owen Place

Please indicate in the space below your comments or reasons why you are applying for this closure.

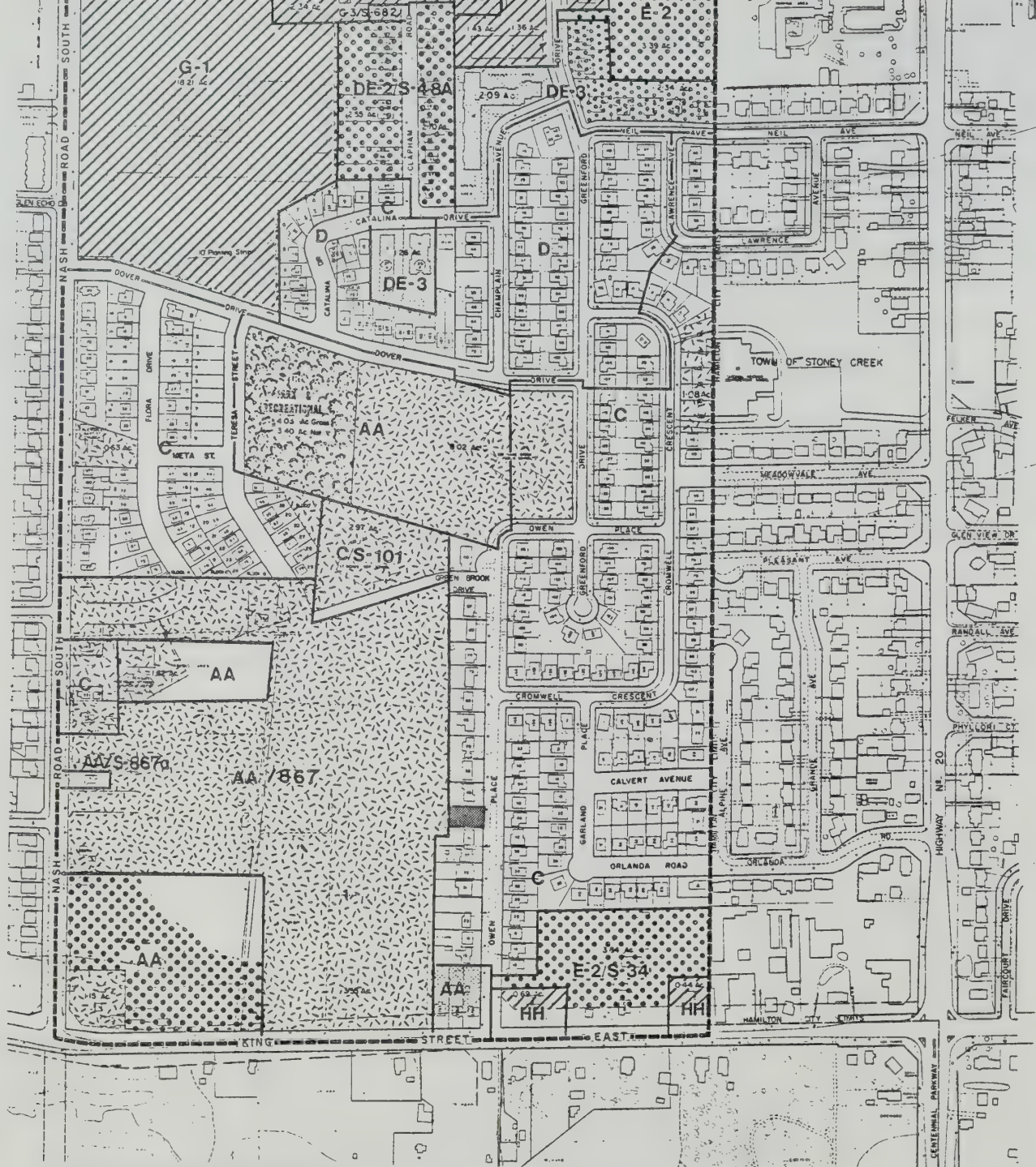
Proposing to give a 3m easement to St. Joseph's Ambulatory Care

~~Service for water and sewer services and sell the lot as a residential building lot, subject to this easement.~~

Please enclose your cheque for \$208.00, payable to the Regional Treasurer with this application. In the event that your application for closure is withdrawn prior to Committee submission, \$100 will be returned to the applicant.

No refund is provided after submission of application to the Committee.

Please contact Mr. C. Harason at 526-4279 regarding this application.



NOTE THIS IS A GUIDE PLAN ONLY AND IS SUBJECT TO CHANGE.
 FOR DETAILS CONTACT THE LOCAL PLANNING DIVISION OF THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH.

14

FOR ACTION

REPORT TO: SUSAN REEDER, ACTING SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: V. J. ABRAHAM, DIRECTOR
LOCAL PLANNING DIVISION

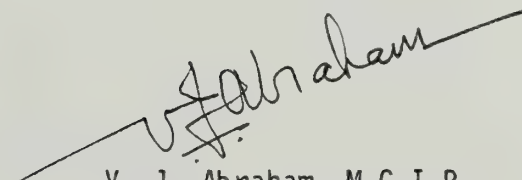
DATE: 1988 February 17
COMM FILE:
DEPT. FILE: P5-2-83

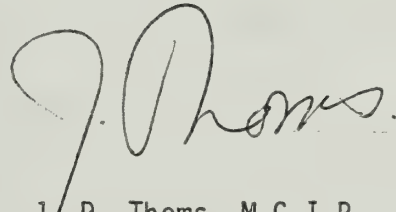
SUBJECT:

Cul-de-sac proposal.
Kennedy East Neighbourhood.

RECOMMENDATION

That the Neighbourhood Plan be amended to show the cul-de-sac proposal as shown on Map 1.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

EXPLANATORY NOTE

The cul-de-sac proposal will enable the rear lands of 173, 165, 157 and 151 Rymal Road West to be developed for single family development. Residents affected by the proposal have been notified of the proposed change.

BACKGROUND

The owner of 165 Rymal Road West has applied for a zoning change for his property to permit future single-family dwelling development for the rear part of the property.

The approved Kennedy East Neighbourhood Plan does not show any provision for the subdivision of the rear lands of 173, 165, 157 and 151 Rymal Road West for single family development.

On October 21, 1987 a revised plan showing a cul-de-sac proposal for these properties was circulated to the property owners.

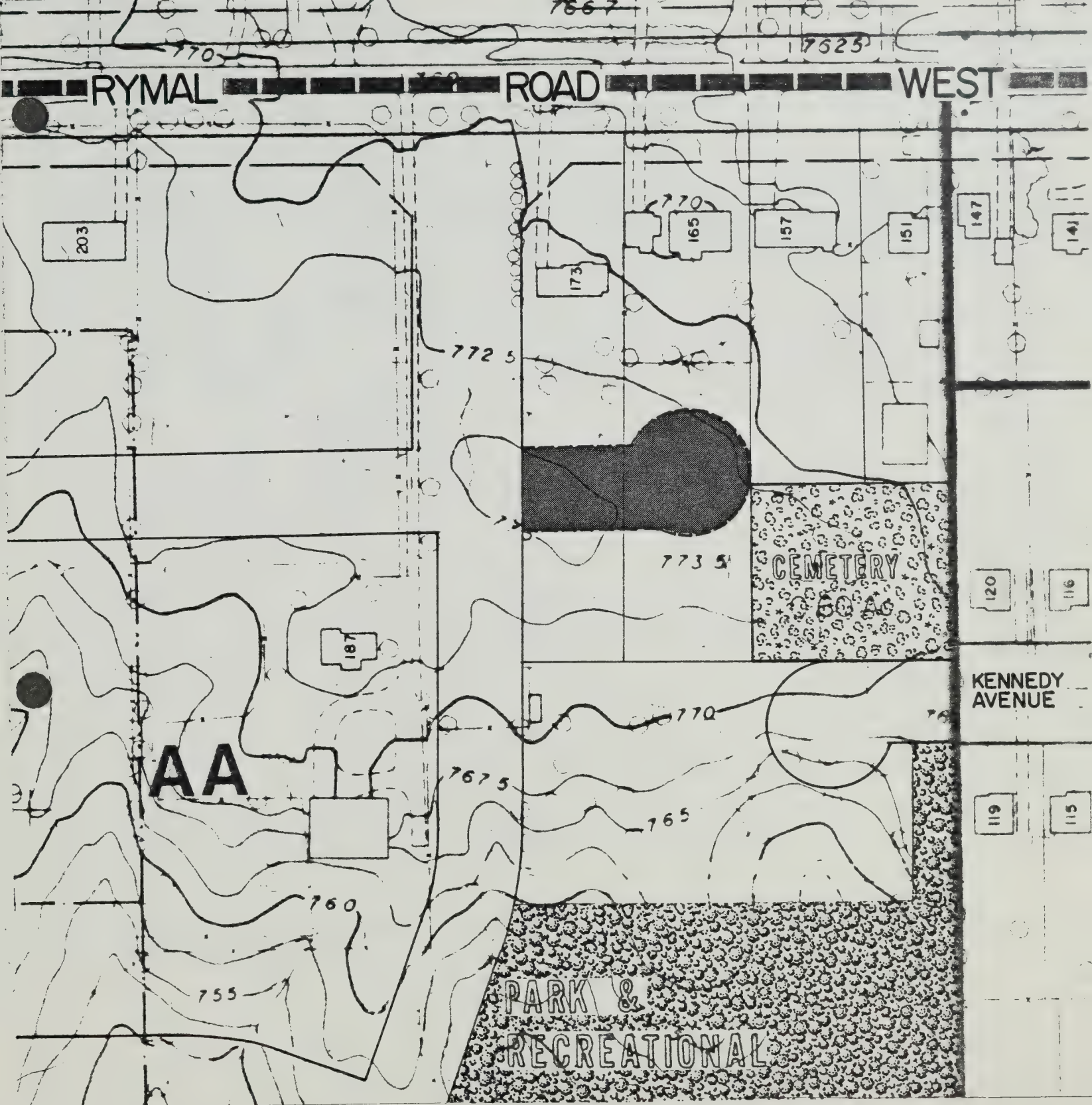
One owner indicated that the cul-de-sac proposal is acceptable. No objections have been received from anyone else.

CONCLUSION

Since there appears to be no objection to the cul-de-sac proposal from the affected owners, we recommend that the cul-de-sac be added to the approved Kennedy East Neighbourhood Plan.




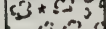
D.G.:nd

W.P. DOC. 0055P

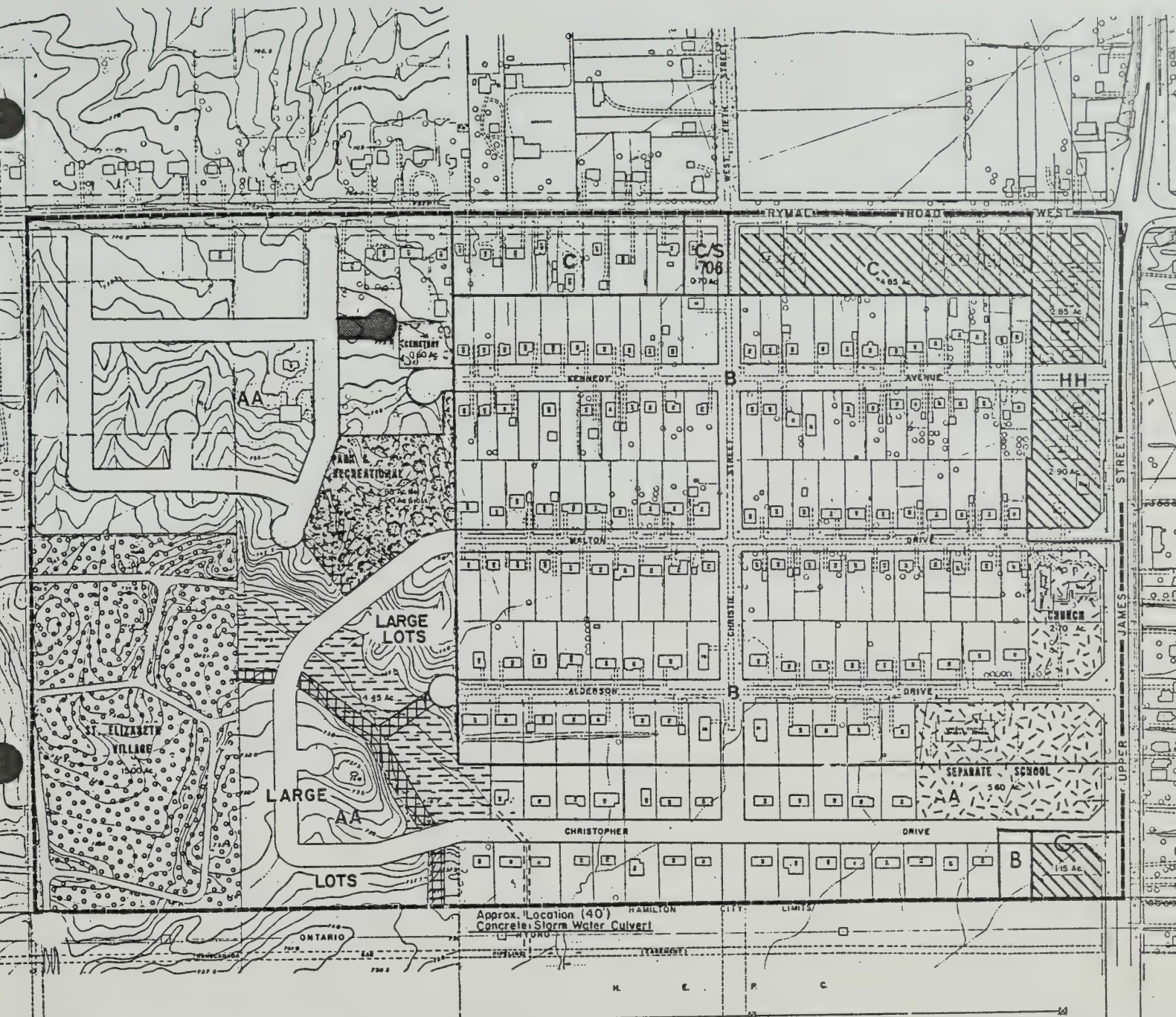


PART OF
APPROVED PLAN
KENNEDY EAST NEIGHBOURHOOD

LEGEND

-  Proposed cul-de-sac to be added to Approved Plan
- LAND USE
-  Residential-single & double
-  Park & Recreational
-  Open Space

MAP 1



NOTE: THIS IS A GUIDE PLAN ONLY AND SUBJECT TO CHANGE FOR DETAIL, CONTACT THE LOCAL PLANNING DIVISION OF THE HAMILTON-WENTWORTH REGION.

EXISTING POPULATION (1985) 563

LAND USE

RESIDENTIAL

- single & double
- attached housing
- low density ap's.
- medium density ap's.
- high density ap's.
- st. elizabeth retirement village.

- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES
- FLOOD PRONE LANDS

- Neighbourhood Boundary
- Zoning Boundary
- Staging of Development Boundary

Approvals
Planning Comm. MAR. 11, 1987 Council MAR. 31/87
Revisions

CITY OF HAMILTON
PLANNING DEPARTMENT

KENNEDY EAST
APPROVED PLAN



0 50 100 200 300
SCALE IN FEET

Proposed cul-de-sac to be added to Approved Plan

MAP 2

E. A. SIMPSON
CITY CLERK

K. E. AVERY
DEPUTY CITY CLERK



CITY HALL
HAMILTON, ONTARIO
L8N 3T4

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

CA4 ON HBC AOS
CSIP4
1988

1988 March 24

URBAN MUNICIPAL

MAR 23 1988

GOVERNMENT DOCUMENTS

NOTICE OF MEETING

Planning and Development Committee
Wednesday, 1988 March 30
1:00 o'clock p.m.
Room 233, City Hall

Susan K. Reeder.

Mrs. Susan K. Reeder
Secretary

PLEASE NOTE EARLIER START TIME

A G E N D A

1:00 o'clock p.m.

- A. Central Area Plan Implementation Committee -
report on GO-Transit.

2:30 o'clock p.m.

- B. Urban Design Committee - Main Street West.

1. Minutes of the meeting held Wednesday, 1988 March 9th.

MAYOR MORROW

2. New Projects and dedication of space for the Arts (no copy).

BUILDING COMMISSIONER

3. Demolition Permit Applications.
 - (a) 102 Dana Drive.
 - (b) 277 Stone Church Road West.
 - (c) 289 Tolton Avenue.
 - (d) 143 Ottawa Street North.
 - (e) 1010 Upper Wentworth Street.

DIRECTOR OF COMMUNITY DEVELOPMENT

4.
 - (a) Applications - Ontario Home Renewal Programme (O.H.R.P.)
 - (b) Applications - Second Level Lodging Home Programme.
 - (i) Gwynett Seymour, 60 West Avenue South.
 - (ii) Mrs. Lelda M. Daley, 178 John Street North.
 - (c) Applications - Commercial Facade Loan Programme.
 - (i) Mr. Morty Morgenstern, 207, 209, 211, 213 James Street North.
 - (ii) Mr. Jerry Sherman, 155, 157, 159, 161 James Street North.
 - (iii) Wildred Gerofsky, Richard Gerofsky, Molly Gerofsky, 123-125 King Street East and 7-11 Catharine Street North.

MANAGER OF PURCHASING

5.
 - (a) Concrete Noise Barrier Fence, Central Memorial Recreation Centre.
 - (b) Parking, Driveway and Service Access, Corktown Stinson.

REGIONAL ENGINEERING COMMISSIONER

6. Cash payment in lieu of 5% Parkland dedication.
 - (i) Almas Gardens - Phase 5.
 - (ii) Aspen West - Phase 3.

DIRECTOR OF PROPERTY

7. Proposed Extension of Closing Date - City Sale to Nash and Morison - 265 York Boulevard.

L.A.C.A.C.

8. Designation - Canadian Westinghouse Head Office, 286 Sanford Avenue North.

CITY SOLICITOR

9. Payment of Account - Weir and Foulds - Butler et al vs. City/Architects Fees re Library Farmers' Market.

EXECUTIVE COMMITTEE

10. National Conference on Downtown Revitalization - 1988 May 8, 9, 10, 11 - Toronto.

CORRESPONDENCE

11. Business Watch - request for a representative of City Council to serve on their Steering Committee.

DIRECTOR OF LOCAL PLANNING

12.
 - (a) Amendment to the "A" and "AA" District regulations.
 - (b) Proposed Amendment 33 to the Niagara Escarpment Plan.
 - (c) Site Plan Application DA87-86, Oshawa Holdings Limited, owner, for property at no. 590 Nash Road North; Nashdale Neighbourhood.
 - (d) Authorization for a Public Meeting - High Density Residential Development Study.

SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

13. Administering City's Lot Grading policies.

PUBLIC MEETING

ZONING APPLICATIONS

COUNCIL CHAMBERS

3:00 o'clock p.m.

14. Zoning Application 88-01, 684553 Ontario Limited, (N.J. Pinelli), prospective owner, for a modification to the "C" District regulations for property at No. 333 Waverly Street; McQueston East Neighbourhood.
15. Zoning Application 88-04, M. Balac, owner, for a modification to the "H" District regulations for property at No. 114 Melvin Avenue; Normanhurst Neighbourhood.
16. Zoning Application 88-07, Vaghela Investments, owner, for a change to the existing zoning district regulations for properties at Nos. 21 to 71 Sanford Avenue North, Gibson Neighbourhood.

3:15 o'clock p.m.

17. Zoning Application 87-94, 660555 Ontario Limited (M. Maravich), owner, for a change in zoning from "AA" and "C" to "RT-30" for property located on the east side of Upper Gage Avenue in the area between Anna Capri Drive and Goldengate Avenue; and, Subdivision Application 87-20 to establish a plan of subdivision on the east side of Upper Gage Avenue and north of Rymal Road East.
18. Other Business.
19. Adjournment.

A.

F O R A C T I O N

FROM: Central Area Plan Implementation Committee

DATE: 1988 March 21

TO: Planning and Development Committee

File No.: P5-4-7

Attention Of: V. J. Abraham

SUBJECT

GO Rail Study

RECOMMENDATION

- a) That the following recommendations be endorsed by the Planning and Development Committee and forwarded to the Transport and Environment Committee for a public meeting prior to a report to Council:

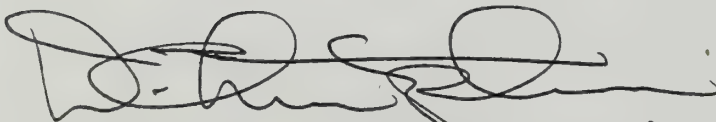
PRINCIPAL RECOMMENDATION

- 1) That the terminus for GO Rail be relocated at the CP (former T.H. & B.) Station as soon as possible;

OTHER RECOMMENDATIONS

- 2) That a public meeting be held to solicit comments prior to a City Council decision on this matter;
- 3) That the decision on the reconstruction of the Hunter Street tunnel be deferred until the growth in service warrants further examination;
- 4) That the CP station be developed as a multi-modal transport terminus and that the existing bus terminal be transferred to this station;
- 5) That the opening of the new terminus coincide with any improvement and/or changes to the HSR operations and the transferring of the existing bus terminal;
- 6) That the maximum GO Train frequency, including two-way service, be provided as soon as the new terminus is open and the operations be integrated with GO bus services;
- 7) That the Waterdown station be treated as a component of the initial project to provide commuter parking to serve the entire Region;

- 8) That the new terminus be developed as a mixed use development, including general purpose parking;
- 9) That, the new terminus be of a high quality design, and that the Urban Design Committee be requested to:
 - i) review any proposed CP station development with participation by the public; and,
 - ii) prepare guidelines for development in the area surrounding the CP station with participation by the public;
- 10) That every effort be made to retain and enhance the CP building as part of any development of the terminus;
- 11) That the Neighbourhood Associations and other interested groups participate in the process of identifying impacts and developing measures to mitigate adverse social and environmental impacts and enhance the social and physical environment, as part of the current study;
- 12) That the Central Area Plan Implementation Committee review this report and recommendations as further information is received and report back to the Planning and Development Committee.



Alderman David Christopherson
Chairperson

EXPLANATORY NOTE

Decisions about the GO Rail terminus are key to the development of the Central Area of Hamilton. The Central Area Plan Implementation Committee (CAPIC) (Appendix 1) has therefore prepared a report to enable the City to take a position on the matter.

A CP Station terminus has been recommended by a technical Project Team (Appendix 2) studying the improvement of GO Rail service. A summary of the information given by consultants McCormick Rankin is included in Appendix 3.

BACKGROUND

Individual CAPIC members have attended open houses prior to a presentation by McCormick Rankin to CAPIC in January. A sub-committee was formed and the report prepared and reviewed by CAPIC in February. The recommendations are based on available information at the time of writing this report. However, there may be a need to revise these recommendations as new information becomes available.

ANALYSIS

General Comment

An increased GO Rail service to Hamilton is important to the long term future of Hamilton. A rail link will improve transportation connections to Toronto and the east and supplement existing GO bus service and the freeway network. GO trains will be particularly important at rush hour when the freeway system is congested. GO trains will help the community have better access to Toronto and the east, allow those with jobs in the Toronto area to live in Hamilton more easily and create a commuting corridor for those who live along the northern lakeshore and who work in Hamilton. An efficient integrated transportation system will increase the economic potential of the Region, the City, the Central Area, and the downtown.

A GO rail terminus as part of an intermodal facility in the Central Area is in accordance with the city policies and the draft Central Area Plan (Appendix 4).

Location

Proximity of the CP station to the downtown and high density residential areas will provide significantly more convenience for potential users than the CN option.

Cost Effectiveness

Convenient location of the CP station will ensure greater ridership than the CN option and therefore, in the long run will provide a more cost effective service.

Intermodal Connection

The provision of a combined long distance bus terminal/GO Rail service is essential to an integrated transportation system. This can be provided equally well at both locations. However, the proximity of the major local bus movements (east, west along King and Main and mountain access on James and John) allows a good interconnection with the CP station. The VIA service, however, would be separate and a CP option would not jeopardize the expansion of this service. The CN station would require a special shuttle service to connect it with the downtown.

Economic Development

Development of the terminus and surrounding area has greater potential at the CP station because of its proximity to the downtown and all its support services. Improved transportation links would make investment in the downtown and Region, as a whole, more attractive. A terminus at the CP station would provide an impetus for development to the east of James Street.

Parking

The CN Station has limited scope for commuter car parking particularly when the land required for the Perimeter Road is removed. At the CP station there is even less scope. However, all day commuter parking at no charge or low rates, particularly at the CP Stations, is unrealistic and not desirable since it will use space which is at a premium for other purposes and add to the congestion in the downtown and nearby neighbourhoods. The Waterdown Station should be designed to provide adequate commuter parking as soon as the rail terminus is opened and for future expansion.

Cost

The CP option is \$32 million more than the CN option. However, if the CP option excludes the double tracking and tunnel reconstruction in the vicinity of Queen Street, the two alternatives are comparative in cost; the CP option would be \$8 million less costly. The Province is expected to fund the total cost of the extension of GO Train service.

Neighbourhood Impacts

The CN route right-of-way has little neighbourhood impact. The CP route has impacts on neighbourhood uses between Dundurn and Queen and Park and the CP Station. Impacts will also be felt east of the CP Station where trains are stored before being brought into service. Mitigating measures, possibly enclosing sections of railway are required to reduce noise, vibration and fumes. To this end, public participation should be provided in developing these measures.

Urban Design

The development of the CP Station presents interesting urban design opportunities and the potential for using and linking underused space at various levels. The CP Station, which is categorised as a landmark building by LACAC, would be provided with a new lease of life to ensure its preservation. There is a need to provide guidelines for new development surrounding the station to ensure development is properly integrated with the neighbourhood. The CN Station is also a landmark building and should be maintained as the VIA Station.

CONCLUSION

CAPIC has concluded that the most appropriate location for the terminus is the CP station and that as full a service as possible should be provided as soon as possible.

However, there is concern about the cost and impact of double tracking and Hunter tunnel reconstruction. Service should, therefore, be provided without reconstruction of the tunnel and a further decision made as the service develops. It is anticipated that the capacity of the Hunter Street tunnel will be satisfactory for a long time period and that options to the reconstruction of the tunnel, (e.g. supplementing service with the CN Station) could be considered as service approaches up to the maximum the existing tunnel allows, (i.e., approximately twenty passenger trains, which includes trains to and from Hamilton). It is felt to be impractical to provide full service (such as between Oakville and Toronto) for the foreseeable future because of the anticipated demand for service.

The Neighbourhood Associations and others interested should be involved, from the outset with the Province, in developing mitigating and enhancement measures to ensure a socially and environmentally sensitive option. The Urban Design Committee should be asked to review the proposed development and to prepare guidelines for surrounding development.

ADDENDUM

A majority of CAPIC members support the recommendations as presented. However, a number of members either opposed the recommendations or abstained from voting. Those opposing the recommendations favour the CN Station with the information that is now available. They see the advantages of the CN Station as being of long term economic benefit in terms of location within the City. They also see the CN Station being appropriate for extension of service to the Niagara Peninsula. Those abstaining either favour the CP station or are neutral on the choice of terminus.

The general concern of CAPIC members as a whole is that there is not enough economic or social impact information available or information about general feelings of the public, for final recommendations. For this reason CAPIC has recommended continued review as new information becomes available.

DG/dkp/CS

CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE (CAPIC)

CURRENT MEMBERSHIP - January, 1988

Alderman David Christopherson (Chairman)

John Nolan (Vice-Chairman), Chamber of Commerce

Dr. Andrew Burghardt (Dr. Bill Anderson, alternative), McMaster University

Mark Boyak, Hamilton Real Estate Board

Bruce Charlton

Russell Elman, Coalition on Sensible Transit and Durand Association

Ozzie Ferguson, United Senior Citizens of Ontario

Rev. Charles Forsyth, First Place

Arthur Lomax, Hamilton Automobile Club

Howard Mark, Local Architectural Conservation Advisory Committee

Gabriel Etele, Downtown Business Improvement Area

Kay Nolan, Hamilton-Wentworth Roman Catholic Separate School Board

Bruce Rankin, Hamilton Society of Architects

Gillian Simmons, North End Neighbourhood

Gloria DeSantis (Clodagh Stoker-Long, alternative), Social Planning and Research Council

Marvin Wasserman, King East Business Association

David Cohen, Corktown-Stinson Neighbourhoods

Member to be named, Hamilton District Labour Council

Member to be named, Hamilton Board of Education

PRELIMINARY TECHNICAL RECOMMENDATIONSROUTE

- SUBJECT TO ENVIRONMENTAL ASSESSMENT APPROVAL, SHIFT EXISTING SERVICE FROM CN STATION TO CP/TH&B STATION.

LEVEL OF SERVICE

- PROCEED WITH DETAILED SIMULATION BY CN AND CP TO DETERMINE VARIOUS LEVELS OF SERVICE AND TRACK REQUIREMENTS (E.G. AT TUNNEL).
- SUBJECT TO ENVIRONMENTAL ASSESSMENT APPROVAL, PROVIDE INCREMENTAL IMPROVEMENTS IN LEVEL OF SERVICE AS APPROPRIATE.

STATIONS

- ESTABLISH THE REQUIREMENTS FOR THE STAGED IMPLEMENTATION OF THE INTEGRATION OF BUS AND RAIL SERVICES AT THE TH&B STATION. THIS FACILITY WILL BE THE FOCUS FOR DOWNTOWN HAMILTON ACCESS TO THE GO TRAIN SYSTEM.
- PROTECT FOR THE FUTURE STAGED IMPLEMENTATION OF A STATION AT WATERDOWN ROAD. THIS STATION WILL PROVIDE THE FOCUS FOR REGIONAL ACCESS VIA THE HIGHWAY NETWORK TO THE GO TRAIN SYSTEM.

PROJECT TEAM

The GO Train Extension Program Project Team consists of representatives from:

- o The Ministry of Transportation and Communications;
- o GO Transit;
- o McCormick Rankin (Consultants);
- o Regional Municipality of Halton (Mr. H. Wong, Director of Planning);
- o Regional Municipality of Hamilton-Wentworth (Mr. Heinz Schweinbenz, Commissioner of Transportation).

BJ:CS
0186P

INTRODUCTION AND BACKGROUND

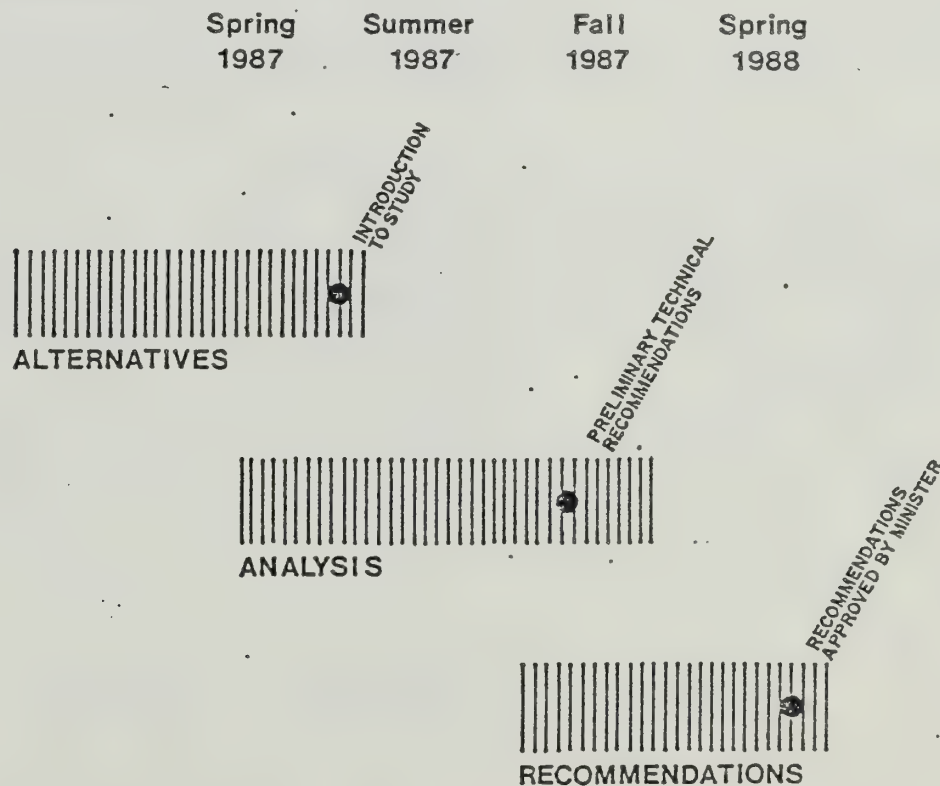
WELCOME TO THIS INFORMATION CENTRE. IT HAS BEEN ARRANGED SO THAT PEOPLE WHO ARE INTERESTED IN THE BURLINGTON TO HAMILTON SECTION OF THE GO TRAIN SERVICE EXPANSION PROGRAM CAN REVIEW THE RESULTS OF THE STUDY TO DATE AND DISCUSS THE PROJECT WITH REPRESENTATIVES OF THE STUDY TEAM.

THREE GO TRAINS PRESENTLY RUN FROM THE HAMILTON CN STATION TO TORONTO IN THE MORNING AND BACK IN THE AFTERNOON. FULL GO TRAIN SERVICE PRESENTLY RUNS BETWEEN PICKERING AND OAKVILLE AND IS PLANNED TO BE IN PLACE BETWEEN OAKVILLE AND BURLINGTON BY THE EARLY 1990's.

THE CURRENT STUDY IS TO INVESTIGATE THE POSSIBLE EXPANSION OF GO TRAIN SERVICE BETWEEN BURLINGTON AND HAMILTON.

STUDY OBJECTIVES

- TO DETERMINE LONG RANGE RECOMMENDATIONS FOR GO TRAIN SERVICE TO HAMILTON.
- TO PROVIDE FOR AN INTEGRATED LOCAL AND REGIONAL TRANSIT SYSTEM THROUGH THE DEVELOPMENT OF A SINGLE CENTRAL HAMILTON STATION.
- TO DEFINE STAGING PLANS THAT WOULD ALLOW FOR THE IMPLEMENTATION OF THE RECOMMENDATIONS.
- TO PROTECT A ROUTE AND PROPERTY FOR THE RECOMMENDATIONS.

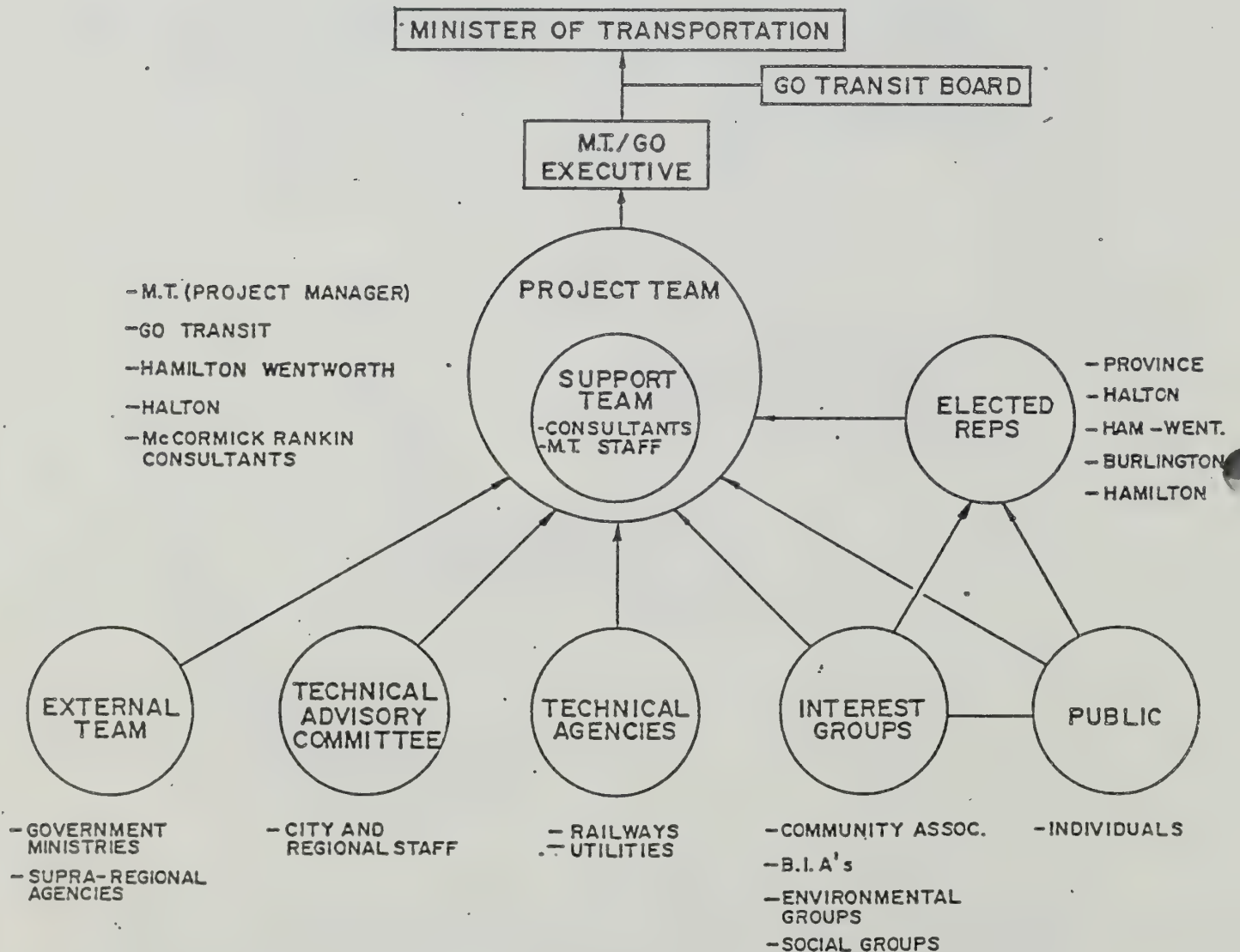


• Public Information Centres

THE CURRENT STUDY WILL BE COMPLETE WHEN AN ENVIRONMENTAL ASSESSMENT REPORT DETAILING THE ALTERNATIVES, ANALYSIS AND RECOMMENDATIONS IS SUBMITTED TO THE MINISTRY OF THE ENVIRONMENT. THIS IS SCHEDULED TO OCCUR IN LATE 1988 OR EARLY 1989. CONSTRUCTION OF ANY RECOMMENDED FACILITIES CANNOT OCCUR UNTIL FINAL APPROVAL OF THE REPORT BY THE MINISTRY OF THE ENVIRONMENT.

STUDY ORGANIZATION

THE STUDY IS FUNDED BY THE PROVINCE OF ONTARIO AND IS DIRECTED BY THE MINISTRY OF TRANSPORTATION AND GO TRANSIT THROUGH A PROJECT TEAM, WHICH INCLUDES REPRESENTATIVES FROM THE REGIONS OF HAMILTON-WENTWORTH AND HALTON. THE STUDY IS CARRIED OUT WITH INPUT FROM THE PUBLIC AND INTERESTED AGENCIES, AND A REPORT IS PREPARED WITH RECOMMENDATIONS FOR THE MINISTRY OF TRANSPORTATION. THE STUDY IS BEING CARRIED OUT IN ACCORDANCE WITH THE ENVIRONMENTAL ASSESSMENT ACT AND WITH COMPLETE AND OPEN PUBLIC INVOLVEMENT.



PRELIMINARY TECHNICAL RECOMMENDATIONS

ROUTE

- SUBJECT TO ENVIRONMENTAL ASSESSMENT APPROVAL, SHIFT EXISTING SERVICE FROM CN STATION TO CP/TH&B STATION.

LEVEL OF SERVICE

- PROCEED WITH DETAILED SIMULATION BY CN AND CP TO DETERMINE VARIOUS LEVELS OF SERVICE AND TRACK REQUIREMENTS (E.G. AT TUNNEL).
- SUBJECT TO ENVIRONMENTAL ASSESSMENT APPROVAL, PROVIDE INCREMENTAL IMPROVEMENTS IN LEVEL OF SERVICE AS APPROPRIATE.

STATIONS

- ESTABLISH THE REQUIREMENTS FOR THE STAGED IMPLEMENTATION OF THE INTEGRATION OF BUS AND RAIL SERVICES AT THE TH&B STATION. THIS FACILITY WILL BE THE FOCUS FOR DOWNTOWN HAMILTON ACCESS TO THE GO TRAIN SYSTEM.
- PROTECT FOR THE FUTURE STAGED IMPLEMENTATION OF A STATION AT WATERDOWN ROAD. THIS STATION WILL PROVIDE THE FOCUS FOR REGIONAL ACCESS VIA THE HIGHWAY NETWORK TO THE GO TRAIN SYSTEM.

ANALYSIS FACTORS

- TRANSPORTATION SERVICE
 - RAIL
 - BUS
 - STAGING
- ECONOMIC EFFECTS
 - COMMERCIAL
 - RESIDENTIAL
 - TOURISM
 - ATTRACTION TO HAMILTON
- CONSTRUCTION COSTS
 - RAIL COSTS
 - STRUCTURE COSTS
 - TUNNEL COSTS
- SOCIAL EFFECTS
 - COMMUNITY INTRUSION
 - NOISE
 - CONSTRUCTION EFFECTS
- NATURAL ENVIRONMENTAL EFFECTS
 - SENSITIVE AREAS
 - VEGETATION
 - WATER

GO TRAIN SERVICE EXPANSION PROGRAM - EVALUATION OF ALTERNATIVES
ECONOMIC EFFECTS

CRITERIA	CP/TH&B FULL SERVICE	CP/TH&B PARTIAL 2-WAY	CP/TH&B IMPROVED 1-WAY	CN FULL SERVICE	CN PARTIAL 2-WAY	CN IMPROVED 1-WAY
o Likelihood of increasing/ reinforcing the number of people moving to Hamilton	●	●	—	●	●	—
o Likelihood of increasing/ reinforcing the draw to major tourism attractions	●	●	—	●	●	—
o Likelihood of increasing/ reinforcing attractiveness of the core to businesses	●	●	—	●	●	—
o Likelihood of stimulating/ reinforcing localized redevelopment and con- venience-order businesses	●	●	●	●	●	—



GO TRA... SERVICE EXPANSION PROGR... - ANALYSIS OF ALTERNATIVES
ECONOMIC EFFECTS

CRITERIA	CP/TH&B STATION		CN STATION	
	EXISTING	POTENTIAL	EXISTING	POTENTIAL
o Population within 750 m of station	12,890	14,120 *	6,900	6,600 *
o Employment within 750 m of station	21,860	26,750 *	7,330	10,070 *
o Residential unit development within 750 m of station	±7,540	±8,560	±2,960	±3,180
o Commercial development within 750 m of station (includes office and retail commercial)	207,200 m ² *** (office only)	±555,600 m ² **	Negligible	±55,700 m ² **
o Tourist/Recreational attractions within 750 m of station	6 (Copps Coliseum, Art Gallery, Football Hall of Fame, Convention Centre, Jackson Square, Hamilton Place)	8 (The 6 in existing + Theatre Aquarius, and Eaton Centre)	0	1 (Waterfront Park)
o Compatibility of Terminal with Municipal Land Use/Development policies	Not applicable Terminal unused	Compatible	Compatible since already in use	Less compatible since not in development area

* Population and Employment Figures Based on Year 2011 Ministry of Transportation Forecast

** Based on 65% of Maximum Permissible Floor Area Under Current Zoning. Source: City of Hamilton

*** Source: Chambers & Co. Ltd., Hamilton Office Space Inventory, July 1987

SUMMARY OF ANALYSIS

SUMMARY OF ANALYSIS											
LEVEL OF SERVICE	BENEFITS				COST		IMPACTS				
	TRANSPORTATION SERVICE		ECONOMIC DEVELOPMENT		CAPITAL COST *		SOCIAL EFFECTS		NAT. ENVIRON. EFFECTS		
	CN	CP	CN	CP	CN	CP	CN	CP	CN	CP	
MOST PREFERRED											LEAST PREFERRED
* COST DOES NOT INCLUDE ROLLING STOCK.											

MOST
PREFERRED

LEAST
PREFERRED

* COST DOES NOT INCLUDE
ROLLING STOCK.

(1) THESE CN COSTS ARE BASED ON A PRELIMINARY ASSESSMENT THAT DOES NOT REFLECT A DETAILED SIMULATION OF OPERATIONS WITHIN THE CN YARD OR THE INTERACTION OF THE GO/CN/PERIMETER ROAD AND WATERFRONT PARK PROPOSALS. IT IS POSSIBLE THAT A FINAL ASSESSMENT WOULD RESULT IN SIGNIFICANTLY HIGHER COSTS.

FUTURE WORK

THE FOLLOWING ACTIVITIES NEED TO BE CARRIED OUT BEFORE THE STUDY IS COMPLETE:

RAIL STUDIES: BOTH CN RAIL AND CP RAIL WILL UNDERTAKE DETAILED SIMULATIONS OF SPECIFIC GO TRAIN SCENARIOS TO DETERMINE THE LEVEL OF GO TRAIN SERVICE POSSIBLE FOR DIFFERENT TRACK REQUIREMENTS. THIS WILL DETERMINE WHAT LEVELS OF GO TRAIN SERVICE WOULD REQUIRE CONSTRUCTION OF NEW TRACKS IN AREAS SUCH AS THE ROYAL BOTANICAL GARDENS AND THE HUNTER STREET TUNNEL.

CONSULTATION: FURTHER CONSULTATION WITH INTEREST GROUPS, CITIZENS, TECHNICAL STAFF AND ELECTED OFFICIALS WILL OCCUR, PARTICULARLY DURING THE MUNICIPAL COUNCIL APPROVAL PROCESS AND PUBLIC REVIEW OF THE FINAL RECOMMENDATIONS.

DETAILED ANALYSIS AND EVALUATION: FURTHER ANALYSIS AND EVALUATION WILL OCCUR TO ENSURE THAT ALL THE TECHNICAL FACTORS AND PUBLIC INPUT ARE TAKEN INTO ACCOUNT BEFORE FINAL RECOMMENDATIONS ARE MADE. THE COMMENTS PROVIDED BY THE PUBLIC AT THIS INFORMATION CENTRE WILL BE PART OF THIS ANALYSIS.

ENVIRONMENTAL ASSESSMENT: AN ENVIRONMENTAL ASSESSMENT REPORT WHICH COMPILES ALL THE ALTERNATIVES, ANALYSIS AND EVALUATION DONE IN THE STUDY WILL BE PREPARED AND SUBMITTED TO THE MINISTRY OF THE ENVIRONMENT FOR GOVERNMENT AND PUBLIC REVIEW AND FINAL APPROVAL.

NEXT PUBLIC INFORMATION CENTRES: THE NEXT ROUND OF PUBLIC INFORMATION CENTRES IS SCHEDULED FOR SPRING 1988.

POLICIES FROM THE DRAFT
CENTRAL AREA SECONDARY PLAN

- 4.8.14 All forms of public transit should contribute to a convenient and coordinated system of transportation.
- 4.8.15 A multi-modal transportation terminal should be provided in an appropriate location in the Central Area.
- 4.8.16 Existing commuter (GO Train) inter-city passenger rail services linking Hamilton, and all other centres should be maintained and improved.

F O R I N F O R M A T I O N

REPORT TO: SUSAN REEDER, ACTING SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

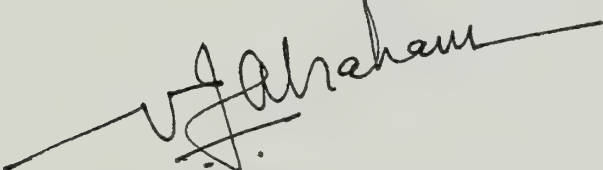
DATE: 1988 March 24
COMM FILE:
DEPT. FILE: P5-4-7-9

SUBJECT:

GO Rail Study

RECOMMENDATION

- a) That the Planning and Development Department support the recommendations of the Central Area Plan Implementation Committee (CAPIC) regarding the GO Train Expansion Program; and,
- b) That the recommendation and the report be referred to the Transport and Environment Committee for consideration.


V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

See CAPIC's GO Rail Study Report.

BJ/dkp

WP 0021P

F O R A C T I O N

B.

REPORT TO: SUSAN REEDER, ACTING SECRETARY
 PLANNING AND DEVELOPMENT COMMITTEE

FROM: URBAN DESIGN COMMITTEE

DATE: 1988 MARCH 15
COMM FILE:
DEPT. FILE: P5-4-7-13

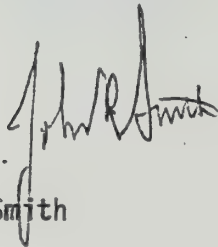
SUBJECT:

Main Street West (Highway 403 to Queen Street).

RECOMMENDATION

1. That the Planning and Development Department be requested to expedite the comprehensive study (including a background, report, advisory committee and policies) as soon as possible.
2. That the following short term actions be taken now:
 - a) That the Planning Department be requested to coordinate landscaping proposals for key properties and approach owners with a view to installation;
 - b) That the Planning Department coordinate preparation of a scheme for nightscaping encompassing both private and municipal actions;
 - c) That the Planning and Development Department examine land use alternatives between the Spectator and the T H & B line and suggest development guidelines;
 - d) That the Planning Department prepare a zoning by-law amendment limiting signs to no higher than the eaves of the building on the site;
 - e) That the Building Department be requested to survey all properties with a view to enforcing the Property Standards By-law;
 - f) That the Parking Authority be requested to investigate and identify parking needs and recommend appropriate solutions;
 - g) That the Traffic Department check signs to ensure they are not encroaching on the road allowance;
 - h) That the Community Development Department provide information and meet with merchants with a view to possibly setting up a Business Improvement Area;

- i) That the Planning and Development Department in conjunction with the Real Estate Department review the feasibility of acquiring property at the eastern corners of Dundurn and Main Street West with a view to a redevelopment of the scheme;
- j) That LACAC be requested to survey all buildings with a view to assisting with conservation improvements.



Alderman J. Smith
Chairperson

FINANCIAL IMPLICATIONS

No budget implications, but the work of the departments included in recommendations will be affected. Each department will be responsible for their own priorities.

BACKGROUND

- Main Street West is a major gateway to the City and requires application of urban design principles to improve its appearance.
- The Mayor has expressed concern about the image of Main Street West and part of the Study is included in the department's work program for 1988.
- The Urban Design Committee met the Main Street West merchants on two occasions and with the help of the Planning Department, developed a list of short term actions. However, the priority is for a comprehensive study.

DG:CS
0019P

Wednesday, 1988 March 9
2:00 o'clock p.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman J. Smith, Chairman
Alderman D. Ross, Vice-Chairman
Mayor R. M. Morrow
Alderman W. McCulloch
Alderman D. Christopherson
Alderman B. Hinkley
Alderman D. Agostino
Alderman T. Cooke
Alderman H. Merling

Also present: Alderman J. Gallagher
Alderman R. Wheeler
Alderman T. Murray
Alderman G. Copps
Mr. B. Allick, Building Department
Mr. M. Watson, Real Estate Division
Mr. P. Lampman, Building Department
Mr. D. Vyce, Director of Property
Mr. A. Georgieff, Planning Department
Mr. V. Abraham, Director of Local Planning
Mr. E. Kowalski, Director of Community Development
Ms. L. Toews, Planning Department
Ms. R. Campbell, Community Development Department
Mr. K. Brenner, Regional Engineering Department
Mr. Y. Schwarz, Regional Planning Department
Mr. J. Sakala, Planning Department
Ms. A. Gillespie, Planning Department
Mr. D. Godley, Planning Department
Mr. B. Ferguson, Traffic Department
Mrs. N. Chapple, Planning Department
Mrs. S. K. Reeder, Acting Secretary

- The Committee was in receipt of the minutes of their meeting held Wednesday, 1988 February 24th and agreed to ADOPT these minutes.

The Committee received delegations respecting the West Avenue School. Ms. Nina Chapple, Architectural Historian for L.A.C.A.C. and a member of the Planning Department outlined the history of the School. Alderman Wheeler spoke on behalf of L.A.C.A.C. as well as Gil Simmons, Brian Henley, and John Nolan. All of the L.A.C.A.C. members encouraged the preservation of the West Avenue School building.

Mr. Karl Kopriva, Developer, spoke on a proposed use of offices/day-care facilities for the school. He indicated that he envisioned the upper six rooms being used for offices for health care services and the lower six rooms being used for day-care.

Mrs. Emmy Weisz, Social Worker, indicated that she was not speaking for any particular group but sees the need for a building to house all community service groups due to the economical advantages for each, i.e. sharing rent cost. She further added that the West Avenue School location would be ideal as it is close to the General Hospital.

Dr. Oekenden, Council on Domestic Violence and the Head of the Emergency Ward of the General Hospital spoke in support of the use of the School as a Community Services Center/Administrative Offices.

Minutes -
1988 February 24

Delegations -
re: West Avenue
School.

Mrs. Kathy Pengelly, Lung Association and Darlene James, Suicide Prevention, also spoke in favour of the use of this building for a Community Services Center/Administrative Offices.

Mr. Gary Hill, West Hill Co-Operative Homes, spoke on the possibility of converting the School for Co-Operative Housing, i.e. Senior Apartments and a Day-Care.

Mr. Peter Mandia, Theatre Aquarius, addressed the Committee on their need for at least an 18,000 square foot building and added that the West Avenue School would be ideal for their use. He indicated that the present building being used by Theatre Aquarius must be vacated by them by 1988, July 1. He added that Theatre Aquarius would be very willing to offer parking facilities to the surrounding area during the hours when they would not require it and summed up by indicating that they are willing to pay a fair rent for the building.

Mr. Robinson also spoke in support of the Community Services Center/Administrative Offices proposed use.

Mr. Peter Hill, from the General Hospital confirmed with the Committee that the General Hospital does not need the land of the West Avenue School for parking. He added that the present parking lot they have will accommodate the new expansion and added staff.

Mrs. Anderson, 224 Wellington Street North, spoke to the Committee and added that she does not see the need for further parking but suggests that alleys be lit to encourage parking in the alleyways and supports the playground facility for children.

Mr. Loop, 268 West Avenue, stressed that he sees a definite need for parking in the area.

The Committee then discussed this matter and Alderman Hinkley spoke to the Committee on the background of the City purchasing the School for parking purposes. He added that he hopes that the City would work with the tenant or new owner of the building to add in a condition that parking be a critical part of any arrangement for the use of the building.

Moved by Alderman Hinkley, seconded by Alderman McCulloch and carried to APPROVE the following recommendation:

- (a) That demolition of the West Avenue School be DENIED.
- (b) That the Planning and Development Department be directed to initiate appropriate zoning for the property.
- (c) That the Executive Committee be requested to review the future use of the property, including interim uses.
- (d) That provision of neighbourhood parking be a critical part of any use of the property.

NOTE: The City of Hamilton purchased West Avenue School for the purpose of demolishing the building and using the land for a Parking lot;

Further to a request from L.A.C.A.C. to the Planning and Development Committee on 1987 August 12th, demolition of the school was TABLED.

In 1987 September 16th, the Planning and Development Committee APPROVED the following recommendation, which was subsequently APPROVED by City Council on 1987 September 29th:

"That the Director of Property hold off demolition of West Avenue School, located at West Avenue and Barton Street East; for a 90 day period.

NOTE: This 90 day delay period will allow for a recircularization of the area residents with respect to their views on the use of the building and property. It will also give L.A.C.A.C. the opportunity to investigate uses for this original 1885 school building".

On 1988 March 9th, the Planning and Development Committee received delegations from various groups respecting an interest in using the School.

Alderman Smith indicated that he had recently attended the Canadian and Urban and Housing Conference held at the University of Winnipeg on 1988 February 18th to 20th. Alderman Smith distributed a report to Members of the Committee on his attendance at this Conference.

Alderman Smith -
attendance at
Housing Conference.

Alderman Ross indicated that the Item placed on the Agenda respecting Day Nurseries would be deleted from the Agenda as a report will be coming from the Planning Department sometime in April on this matter.

Day Nurseries

The Committee then adjourned and reconvened in the Council Chambers for the purpose of hearing zoning applications.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 February 23 respecting Zoning Application 87-120, for property at 42 Beland Avenue South.

ZA87-120 -
42 Beland Avenue
South.

Report of the circularization was given as follows:

359 notices sent. 15 in favour 7 opposed

Mr. Vinken, 47 Beland Avenue South, spoke in opposition to the application. He indicated that he fears that this application will devalue his property and that there is increased noise in the area already and does not support this application as he feels it will be precedent setting. The Committee was also in receipt of a letter from Mr. and Mrs. Vinken dated 1988 February 21st.

Mrs. Banek, owner and applicant for the rezoning spoke to the Committee and indicated that her home has been used as a duplex for approximately 30 years.

Alderman Christopherson submitted a letter from Mr. and Mrs. Kneebone, 53 Beland Avenue South and the Secretary read this letter of opposition to the Committee.

Alderman Christopherson advised that he had received a verbal objection from the owners of 52 Beland Avenue South.

The Committee then discussed this application and Alderman Christopherson indicated that the duplex has been in existence, albeit illegally, for 30 years. He clarified that there are facilities for 2 cars at the property, possibly 3 and that no change in the status quo of the property is intended.

It was then moved by Alderman Christopherson, seconded by Alderman McCulloch and carried to APPROVE the following recommendation:

That APPROVAL be given to Zoning Application 87-120, Josephine Banek, owner, for a modification to the established "C" (Urban Protected residential, etc.) District regulations applicable to property at No. 42 Beland Avenue South, as shown on the attached map marked as APPENDIX "A" on the following basis:

- (a) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-Law No. 6593 applicable to the subject lands be modified on the following basis.
 - (i) Notwithstanding Section 9 (1) (ii) of By-Law No. 6593 the existing two-family dwelling shall be permitted.
- (b) That the amending By-Law be added to Section 198 of Zoning By-Law No. 6593 as Schedule S-1070, and that the subject lands on zoning District Map E-85 be notated S-1070;
- (c) That the City Solicitor be directed to prepare a By-Law to amend Zoning By-Law No. 6593 and Zoning District Map E-85;
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-Law is to modify the established "C" (Urban Protected Residential, etc.) District regulations applicable to the property located at No. 42 Beland Avenue South. The effect of the By-Law is to permit the two family dwelling situated on the property at the date of passing of of this By-Law.

ZA87-134 -
rear of 149 Nash
Road South.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 February 26th respecting Zoning Application 87-134, for property at the rear of 149 Nash Road South.

The circularization is as follows:

346 Notices sent 22 in favour 1 opposed

A representative for the Sisters of St. Joseph of the Diocese of Hamilton, prospective owner, was in attendance at the meeting.

Mr. Peter Baca, 63 Flora Drive, spoke to the Committee in opposition to this application. He indicated that he does not wish to live close to a hospital care facility and that the land at 149 Nash Road South is cluttered with debris and garbage. The representative for the applicant took this comment under advisement.

It was then moved by Alderman Agostino, seconded by Alderman Ross and carried to APPROVE the following recommendation:

- (a) That APPROVAL be given to Zoning Application 87-134, Sisters of St. Joseph of the Diocese of Hamilton, prospective owner, to establish a modification to the existing "AA" (Agricultural) District, for property located at the rear of No. 149 Nash Road South, as shown on the attached map marked as APPENDIX "B", on the following basis:

- (i) That the "AA" (Agricultural) District provisions applicable to the subject lands be amended to provide for the following special requirement:
 - 1. That Schedule "A" to By-Law No. 84-146, as amended by By-Law No. 84-275, be amended by adding the lands shown as Block "1" on the attached APPENDIX "B", thereto;
 - (ii) That the amending by-law be added to Section 19B of Zoning By-Law No. 6593, as Schedule S-867b, and that the subject land on Zoning District Map E-106 be notated S-867b;
 - (iii) That the City Solicitor be directed to prepare a by-law to amend Zoning By-Law No. 6593, as amended by By-Law Nos. 84-146 and 84-275, and Zoning District Map E-106;
 - (iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
 - (v) That the Greenford Neighbourhood Plan be amended accordingly by redesignating the subject lands and the balance of the Church lands to "Civic and Institutional".
- (b) That By-Law 79-275, respecting Site Plan Control, as amended by By-Law Nos. 84-147 and 84-276 be amended by establishing Site Plan Control on the subject lands.

NOTE: The purpose of the By-law is to provide for a modification to the existing "AA" (Agricultural) District, for property located at the rear of No. 149 Nash Road South.

The effect of the By-law is to include the subject property as part of the adjoining lands for the proposed Ambulatory Care Facility (Out-Patient Hospital).

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 March 3 respecting Zoning Application 87-136, for property located on the east side of Upper James Street, in the area south of Rymal Road.

ZA87-136 - east side of Upper James Street, area south of Rymal Road.

The circularization is as follows:

103 Notices sent 17 in favour 7 opposed

Alderman Smith indicated that he has concerns that there is a need to tighten up on the requirements in zoning applications for items to be written right into the By-law in order that compliance is followed through with.

Alderman Merling spoke on behalf of the residences in the area on this matter.

The applicant for this matter spoke to the Committee and indicated that with current technology of lighting that they will be able to direct the lights so as not to infringe on the area residents.

A resident from the area expressed concern at the noise that could be generated from this business.

The applicant requested confirmation of the signs they required and Mr. Zipay of the Planning Department indicated that this request had been incorporated into the resolution.

The Committee then APPROVED the following recommendation:

That APPROVAL be given to an amended Zoning Application 87-136, Chrysler Canada Limited, Lessee, for a change in zoning from "G-1" (Designed Shopping Centre) District to "HH" (Restricted Community Shopping and Commercial, etc.) District, for property located on the east side of Upper James Street, in the area south of Rymal Road, as shown on the attached map marked as APPENDIX "C", on the following basis:

- (a) That the subject lands be rezoned from "G-1" (Designed Shopping Centre) District to "HH" (Restricted Community Shopping and Commercial, etc.) District;
- (b) That the "HH" (Restricted Community Shopping and Commercial, etc.) District regulations as contained in Section 14A of Zoning By-law No. 6593, be modified to include the following variances as special requirements:
 - (i) That notwithstanding the provisions of Section 14A(1) of By-law No. 6593, only a new and used car dealership including an ancillary automobile body/fender repair shop and paint shop use shall be permitted;
 - (ii) That notwithstanding Section 14A(3)(a) of By-law No. 6593, a maximum of two ground signs shall be permitted at a distance of not less than 3.0m from the future street line of Upper James Street;
 - (iii) That notwithstanding Sections 18(3)(ivc)(b) and (c) of By-law No. 6593, a minimum 3.0m wide public walkway and a minimum 1.5m wide planting strip shall be provided along the southerly property line, and a chain link fence not less than 1.2m in height and not greater than 2.0m in height shall be provided and maintained along the boundary between the walkway and the planting strip.
- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1071, and that the subject lands on zoning District Map E-9E be notated S-1071;
- (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9E;
- (e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a change in zoning from "G-1" (Designed Shopping Centre) District to "HH" (Restricted Community Shopping and Commercial, etc.) District, for lands located on the east side of Upper James Street in the area south of Rymal Road.

The effect of the By-law is to permit only a new and used car dealership on the subject lands.

In addition, the By-law provides for the following variances to the "HH" (Restricted Community Shopping and Commercial, etc.) District:

- (a) to permit an auto body/fender repair and paint shop in conjunction with the proposed "automobile car dealership;
- (b) to permit two ground signs to be located within 3.0m of the future street line of Upper James Street, whereas a set back of 12.0m would be required;
- (c) to require a minimum 3.0m wide public walkway and a minimum 1.5m wide planting strip along the southerly property line, and a chain link fence not less than 1.2m in height and not greater than 2.0m in height along the boundary between the walkway and the planting strip.

The Committee was in receipt of a Zoning Application 87-132, and Site Plan Control Application DA87-121, Wentworth Condominium Corporation No. 46, owner, the property at 222 Jackson Street West.

The circularization was as follows:

1,609 Notices sent 63 in favour 19 opposed

The Committee was in receipt of a letter from Mr. Todd, the owner of the property, requesting that his Zoning Application be withdrawn. Mr. Todd indicates that he wishes the time to work out the details with the Planning Department as the Department's recommendation is for denial.

Mr. Bill Wilkins, Solicitor for the abutting land owners, spoke to the Committee and added that he wants to have this matter dealt with at this meeting as his clients had taken time to attend.

Following discussion on this matter it was moved by Alderman McCulloch, seconded by Alderman Ross and carried to TABLE Zoning Application 87-132 and Site Plan Control Application DA87-121 for property at 222 Jackson Street West, in order that the applicant can discuss his application further with staff.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 February 9 respecting a requested unopened road allowance closure between 41 and 49 Owen Place, Greenford Neighbourhood.

The Committee APPROVED the following:

- (a) That the Greenford Neighbourhood Plan be amended to delete the unopened road allowance between 41 and 49 Owen Place and designate the lands for single and double residential use.
- (b) That the closure and disposal of the unopened road allowance be referred to the Transport and Environment Committee.

NOTE: The City of Hamilton has applied to the Regional Engineering Department for the closure of the unopened road allowance to allow it to be sold for a building lot. Owners and residents affected by the proposal have been notified of the proposed change.

ZA87-132 and
DA87-121 -
222 Jackson Street
West.

Requested unopened
road allowance
closure between
41 and 49 Owen
Place.

Cul-de-sac proposal
- Kennedy East
Neighbourhood.

The Committee was in receipt of a report from the Director of Local Planning dated 1988 February 17 respecting a cul-de-sac proposal for the Kennedy East Neighbourhood.

The Committee APPROVED the following:

That the Kennedy East Neighbourhood Plan be amended to show the cul-de-sac proposal, as shown on the attached map marked as APPENDIX "D".

NOTE: The cul-de-sac proposal will enable the rear lands of 173, 165, 157 and 151 Rymal Road West to be developed for single family development. Residents affected by the proposal have been notified of the proposed change.

Community Task
Force to review
the mandate and
structure of
the Hamilton
Harbour Commission.

The Committee was in receipt of a report from Alderman Brian Hinkley dated 1988 March 2 respecting a Community Task Force to Review the Mandate and Structure of the Hamilton Harbour Commission.

Alderman Hinkley spoke to his report and outlined his recommendations with respect to this matter.

Alderman Merling spoke on the Harbour Committee and supports the re-establishment of such a Committee as well as the establishment of the proposed Task Force.

Alderman Ross spoke on the staff resources that would be required for the Task Force and the re-established Harbour Committee. He questioned the need for a Harbour Committee and its purpose.

Alderman Christopherson indicates that he supports the proposed Task Force. He questioned who would be the representative from the City of Hamilton and Alderman Hinkley added that he sees the City representative as a Council member. Alderman Christopherson added that he would encourage the appointment of a C.A.P.I.C. representative as they have an interest in this matter.

General discussion ensued on the reporting for a Harbour Sub-Committee and a Task Force and it was agreed that the Task Force should report to the Planning and Development Committee and that if a Harbour Sub-Committee is re-established, that it not be a Standing Committee of Council but rather a Sub-Committee reporting to the Planning and Development Committee.

Alderman Smith gave his view that there should only be one representative from the Boating Clubs rather than one from each of the 3 Clubs. He further added that he would suggest a representative from the Federal Body responsible for Harbours as well as the Transportation Authority.

Alderman Hinkley spoke on the need for a mandate for the Harbour Commission which encompasses the needs and goals of the entire community.

Alderman Merling indicated that as Chairman of the Transport and Environment Committee, he will be inviting the Chairman and members of the Harbour Commissioners to the next meeting of the Transport and Environment Committee to speak on the need for better communication between the City and the Harbour Commissioners.

Following considerable discussion on this matter, it was moved by Alderman Christopherson, seconded by Alderman Ross and carried to APPROVE the following recommendation:

- (a) That City Council establish a single-purpose community task force to review the mandate and structure of the Hamilton Harbour Commission, and the Hamilton Harbour Commissioners' Act.

- (b) That the purpose of the review be to determine if the present mandate, structure and legislation in which the Hamilton Harbour Commission operates is best suited to meet the community needs and directions for the future development and control over the operations of Hamilton Harbour.
- (c) That the Chief Administrative Officer, in conjunction with the necessary City officials, ensure that the required support staff is provided for the Harbour Committee and the Task Force.
- (d) That the Task Force will report to the Planning and Development Committee on a regular basis.
- (e) That the Task Force shall determine their own method of proceeding and shall determine their own Chairman and structure.
- (f) That the Task Force shall conclude their review and submit their recommendation no later than 1988 September 30.
- (g) That the following organizations be requested to submit the name of one representative to sit on the Task Force:
 - The City of Hamilton
 - The Hamilton Harbour Commission
 - The City of Burlington
 - The Region of Hamilton-Wentworth
 - The Hamilton Region Conservation Authority
 - The Royal Botanical Gardens
 - The Conservator Society of Hamilton and District Inc.
 - The Steel Company of Canada
 - Dominion Foundries
 - The Provincial Ministry of the Environment (Hamilton Branch)
 - Stakeholders Group "Dialogue on Hamilton Harbour"
 - Royal Hamilton Yacht Club
 - Leander Yacht Club
 - Macassa Bay Yacht Club
 - North End Information Service.

The Committee was in receipt of a report from the Building Commissioner dated 1988 March 3 respecting demolition permit applications.

Demolition Permit Applications.

The Committee APPROVED the following:

That the Building Commissioner be authorized to issue demolition permits for the demolition of the following residential buildings:

- (a) 1183 West 5th Street
- (b) 52 Munroe
- (c) 103 Arbour

Emergency Reports -
1332 Monterey
Avenue.

The Committee was in receipt of a report from the Building Commissioner dated 1988 March 7 respecting 1332 Monterey Avenue.

The Committee APPROVED the following:

- (a) That the Building Commissioner be authorized to proceed with the necessary repair of the roof at 1332 Monterey Avenue.
- (b) That this expenditure be added to the tax rolls and collected in a like manner as taxes.

NOTE: Numerous complaints regarding the condition of this property have been received.

An inspection carried out revealed that the roof is in a deteriorated condition and is causing water to enter the hydro system. This is causing a hazard to the tenants of this property and in fact as late as 1988 March 6, a fire occurred in an electrical outlet.

The Building Department therefore issued an Order to Comply pursuant to Section 31(23) of The Planning Act. This is a new section which gives a Municipality the authority to issue an emergency order requiring that the work be carried out forthwith.

Because no work has been carried out, a request that a contractor be hired and the work proceeded with immediately is being sought.

The cost of this work will be approximately \$20,000., and placed on the tax rolls for collection in a like manner to taxes.

Commercial Facade
Loan Programme.

The Committee was in receipt of a report from the Director of Community Development dated 1988 February 29 respecting a Commercial Facade Loan.

The Committee APPROVED the following:

That a Commercial Facade Loan in the amount of \$8,850. be APPROVED for Mr. Jerry Sherman, owner of 155, 157, 159 & 161 James Street North. The interest rate will be 4-1/2 percent, amortized over ten years.

Payment of account -
Weir & Foulds.

The Committee was in receipt of a report from the City Solicitor dated 1988 February 29 respecting payment of legal fees - Weir & Foulds for work on the City versus Edward Allen, 81 Francis Street case.

The Committee APPROVED the following:

That the interim Legal Account of Weir & Foulds law firm in the amount of \$1,165.12 be APPROVED.

NOTE: This interim account is expressed to cover the time period from 1987 May 12 to 1988 January 31.

As a result of waste clean-up actions taken by the City on 81 Francis Street in 1985 July, the occupier, Edward Allen, launched a Judicial Review Application to quash By-law 84-35.

He was successful originally in the Weekly Court of the Supreme Court of Ontario, but the City successfully appealed to the Court of Appeal and was awarded the Judgement and costs of both hearings. The above fee represents preparation by Weir & Foulds for the taxing (assessing) of the City's costs, scheduled for 1988 May.

The Committee was in receipt of an added report from the City Solicitor dated 1988 March 8 respecting an application to place "City View Estates" Subdivision under Land Title.

Application to place
"City View Estates"
under Land Title.

The Committee APPROVED the following:

That the Mayor and City Clerk be authorized to execute a Consent and Waiver of Notice in respect of Land Titles Application No. D3925-62-180 by McNally Bros. (1965) Limited for its proposed subdivision to be known as "City View Estates".

NOTE: On 1988 March 3, Mr. G. A. Martin, Real Estate Agent for McNally Bros. (1965) Limited, requested that the City execute a Consent and Waiver of Notice form. The Land Titles Act requires the applicant to receive a Consent to the Application from each adjacent landowner. The City owns land adjacent to this site.

The Regional Surveyor has inspected the survey portion of the Land Titles Application and advised that because it properly records the adjacent City land, it is in order for the Consent and Waiver of Notice to be executed by the City.

Alderman Merling expressed his opposition in this matter and questioned why this was being delayed rather than being handled by staff. It was agreed that the Chief Administrative Officer would look into this matter and the reasons for the delay.

The Committee was in receipt of a report from the Commissioner of Engineering dated 1988 March 2 respecting DiCenzo Gardens - Phase 2, Hamilton, cash payment in lieu of 5% parkland dedication.

Cash in lieu of
Parkland -
DiCenzo Gardens -
Phase 2.

The Committee APPROVED the following:

That the Corporation of the City of Hamilton accept the sum of \$49,200. as cash payment in lieu of 5% dedication in connection with "DICENZO GARDENS - PHASE 2", Hamilton, this being the cash requirement under Section 50 of The Planning Act.

NOTE: These lands are located south of Stone Church Road and west of Upper Wellington Street in the Ryckman Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Engineering dated 1988 March 2 respecting cash in lieu of parkland payment - Hillside Terrace - Phase 4.

Cash in lieu of
Parkland -
Hillside Terrace
- Phase 4.

The Committee APPROVED the following recommendation:

That the Corporation of the City of Hamilton allow the owner of "HILLSIDE TERRACE - PHASE 4" to use the Parkland Credit Balance from a previous development, Novoco Gardens, Registered Plan No. 62M-500, toward the 5% parkland dedication for Hillside Terrace - Phase 4.

NOTE: The owner of this development, Gurnett Investments Limited, has requested to use a portion of the Parkland Credit Balance from a previous development which they owned called Novoco Gardens, Registered Plan No. 624-500, in Hamilton. The 5% parkland requirement for Hillside Terrace - Phase 4 is 2,499.55m².

The Parkland Credit Balance from Novoco Gardens is 3,026.65m², leaving a new balance of 527.10m² which could be used for a future development.

The owners of the lands for the above-referenced subdivision will be executing a Subdivision Agreement with the City of Hamilton in the near future.

These lands are located south of Golf Links Road and west of Upper Horning Road in the Gurnett Neighbourhood.

Cash in lieu of
parkland payment -
Bayview Glen Estates
- Phase 2.

The Committee was in receipt of a report from the Commissioner of Engineering dated 1988 March 2 respecting a cash payment in lieu of parkland dedication - Bayview Glen Estates - Phase 2.

The Committee APPROVED the following:

That the Corporation of the City of Hamilton accept the sum of \$1,432.00 as cash payment in lieu of 5% dedication in connection with "BAYVIEW GLEN ESTATES - PHASE 2", Hamilton, this being the cash requirement under Section 10 of The Planning Act.

NOTE: These lands are located south of Stone Church Road and west of Upper Paradise Road in the Falkirk West Neighbourhood.

Subdivision
Application 87-27 -
north of Rymal Road
and east of
Eleanor Avenue.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 February 17 respecting proposed draft plan of subdivision by Bar-Brock Enterprises Limited for a draft plan of subdivision north of Rymal Road and east of Eleanor Avenue.

The Committee APPROVED the following:

- (a) That APPROVAL be given to Subdivision Application 87-27, Bar-Brock Enterprises Limited, owner, to establish a draft plan of subdivision north of Rymal Road and east of Eleanor Avenue, subject to the following conditions:
 - (i) That this approval apply to the revised plan prepared by MacKay, MacKay and Peters Limited, dated 1988 February 2, showing 81 lots, further revised to add widening for Dulgaren Street (Block "86"), to add street curves at the cul-de-sac bulbs, to delete the 0.3m reserve shown as Block "84" and to renumber the subsequent blocks accordingly.
 - (ii) That the owner acquire sufficient land to establish all streets in full and the streets and the street widening (Block "86") be dedicated as public highways and the walkways (Blocks "84" and "85") be dedicated as public walkways on the final plan.
 - (iii) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 - (iv) That the final plan conform with the Zoning By-law approved under The Planning Act.

- (v) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.
 - (vi) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 - (vii) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
 - (viii) That any dead-end or open side of the road allowances created by the plan be terminated in 0.3m reserves to be conveyed to the City of Hamilton and to be held by the City until required for the extension of the road allowance or for the development of abutting lands.
 - (ix) That only those parts of the plan to which municipal services are available shall be registered.
 - (x) That Blocks "82" and "83" be developed only in conjunction with abutting lands.
 - (xi) That the owner shall erect a sign in accordance with Section X of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
 - (xii) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- (b) That a Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-87-27), Bar-Brock Enterprises Limited, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.
- (c) That the Eleanor Neighbourhood Plan be amended by redesignating parts of the subject land from "Park and Recreational" and "Civic and Institutional" to "Residential - single and double" land use designations and by amending the street pattern to comply with the approved draft plan of subdivision and the inclusion of two walkways.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 March 2 respecting the draft terms of reference for the Central Business Study.

The Committee APPROVED the following:

That the Ministry of Municipal Affairs be requested to provide the City of Hamilton with a Community Planning Grant to cover up to 50% of the cost of a Central Business District Study.

Draft Terms of
Reference -
Central Business
Study.

NOTE: A Central Business District Study has been included in the 1988 Planning and Development Department's Work Program. The Study is also supported in principle by the Central Area Plan Implementation Committee (C.A.P.I.C.). C.A.P.I.C. has identified the Study as the highest priority for the Downtown Core.

The main purpose of the study is twofold. Firstly, the Study will provide the City with a vision of the future, outlining the nature and form of potential new development. Secondly, it will provide a framework for development on a block by block basis to enable each block to be developed comprehensively and to work together with adjoining blocks. The planning framework and vision of the future is intended to give confidence to the development industry and create growth in the Central Business District.

The Study can also complement Phase IV of the Downtown Action Plan, which consists of improvements to key parking lots and alleyways, by providing for possible development in the surrounding areas, as well as including the alleyways in a possible system of pedestrian links.

In order to assist in the costs of the study, the City should request a Community Planning Grant from the Ministry of Municipal Affairs. Study grants are available for up to \$35,000. for 50% of the Study costs. Ministry officials have given an indication that the study is a good candidate for funding. City costs for the Study have already been approved as part of the 1988 Work Programme.

Development Permit
Application -
N.E.C. -
748 Scenic Drive.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 February 25 respecting a Development Permit Application to the Niagara Escarpment Commission re property at 748 Scenic Drive.

The Committee APPROVED the following recommendation:

That the City of Hamilton inform the Niagara Escarpment Commission that they are OPPOSED to the location of a satellite dish within the front yard at 748 Scenic Drive.

Development Permit
Application -
N.E.C. -
20 Pritchard Road.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 February 29 respecting a Development Permit Application to the Niagara Escarpment Commission for property at 20 Pritchard Road.

The Committee APPROVED the following:

That the City of Hamilton inform the Niagara Escarpment Commission that they are OPPOSED to the establishment of a used car lot, installation of a portable building for office use and a 20 car parking area, in addition to the existing single-family dwelling on the subject lands located at 20 Pritchard Road.

Planning and Development Committee

-15-

Wednesday, 1988 March 9

Alderman Christopherson requested a background summary on the pay in lieu of parking policy. He indicated that he would like that report from the Planning Department at a future meeting, i.e. early or late April.

Alderman Ross requested some clarification on the time scheduling for the high density residential study.

There being no further business, the meeting then adjourned.

Taken as read and approved,

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Mrs. Susan K. Reeder
Acting Secretary
1988 March 9

Pay in lieu of
Parking Policy.

High Density
Residential Study.

Adjournment.

MAR 23 1988

3.

FOR ACTION

REPORT TO: THE PLANNING AND DEVELOPMENT COMMITTEE

FROM: P. KUPPE, BUILDING COMMISSIONER

DATE: March 22, 1988

COMM. FILE:

DEPT. FILE:

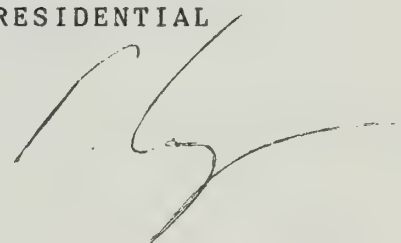
SUBJECT:

DEMOLITION

RECOMMENDATION:

THAT THE BUILDING COMMISSIONER BE AUTHORIZED TO ISSUE
DEMOLITION PERMITS FOR THE DEMOLITION OF THE RESIDENTIAL
BUILDINGS AS LISTED BELOW.

FINANCIAL IMPLICATIONS: N/A



BACKGROUND:

1. 102 DANA DRIVE
2. 277 STONE CHURCH ROAD WEST
3. 289 TOLTON
4. 143 OTTAWA STREET NORTH
5. 1010 UPPER WENTWORTH

BUILDING DEPARTMENT

DEMOLITION CONTROL

CATEGORY "C" - NO IMMEDIATE REDEVELOPMENT IS PROPOSED

DATE: March 22, 1988

EM	ADDRESS	PRESENT USE	PROPOSED USE	LOT SIZE	OWNER	ZONE	RECOMMENDATION
289	Tolton	S.F.D.	Parking Lot	29 X 100	First Pioneer Holdings Ltd.	"H"	It is recommended that the Committee approve demolition.
143	Ottawa North	S.F.D.	Parking Lot	30 X 117	Donald Morris Funeral Service	"H"	It is recommended that the Committee approve demolition.
1010	Upper Wentworth	S.F.D.	Parking Lot	50 X 429	Limeridge Hyundai	"AA"	It is recommended that the Committee approve demolition.

P.C. Lampman, P. Eng.
Director of Plan Examination

4a.

FOR ACTION

REPORT TO:

Planning and Development Committee

FROM:

E. W. Kowalski, Director
Department of Community Development

DATE: 1988 March 07

COMM FILE:

DEPT FILE: 800-0300

SUBJECT:

Ontario Home Renewal Programme (O.H.R.P.)

RECOMMENDATION

That the five (5) applications listed below be submitted to City Council for approval, authorizing the Department of Community Development to process a grant/loan in the amount not to exceed \$7,500. The actual amount of grant or loan to be determined by inspection of the property under the Property Standards By-law 74-74 and pursuant to Regulation 506 (R.R.O. 1980) under The Housing Development Act for the Ontario Home Renewal Programme.

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

N/A

E. Kowalski

BACKGROUND

The applications listed below are currently being processed for grants and/or loans pursuant to an amendment to The Housing Development Act, Regulation 506 (R.R.O. 1980).

For the information of the members of the Committee, the total number of applications to date under the Ontario Home Renewal Programme is three thousand eight hundred and forty-one (3,841).

W. Middelkamp
149 Walter Ave. N.

R. Salmon
82 Gertrude Street

C. Micks
13 Queensdale Ave. E.

E. North
21 Fairfield Ave. N.

H. Sopo
179 Oakland Drive

FOR ACTION

4b.
(i)

REPORT TO: Planning and Development Committee

FROM: E. W. Kowalski, Director
Department of Community Development

DATE: 1988 March 11
COMM FILE:
DEPT FILE: S.L.L. #15

SUBJECT:

Second Level Lodging Home Programme, Gwynette Seymour, 60 West Avenue South.

RECOMMENDATION

That a loan increase in the amount of \$9,795. be approved for Gwynette Seymour, owner of a Second Level Lodging Home, located at 60 West Avenue South. The loan is amortized over a ten-year period at three percent interest and secured by a Lien on Title. The original loan amount was \$38,510. The new loan amount is \$48,305.

E. W. Kowalski

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

N/A

BACKGROUND

The Planning and Development Committee, in a report dated 1987 December 02, approved a loan for Gwynette Seymour in the amount of \$38,510. Since that time, additional work has been deemed necessary. The cost of the extra work totals \$9,795. and all estimates have been approved by the City's Building Department.

The Department of Community Development therefore recommends a loan increase to \$48,305. to include all work required under the City's Property Standards By-law.

FOR ACTION

4 b.
(ii)

REPORT TO:

Planning and Development Committee

FROM:

E. W. Kowalski, Director
Department of Community Development

DATE: 1988 March 24

COMM FILE:

DEPT FILE: SLL #18

SUBJECT:

Second Level Lodging Home Programme

RECOMMENDATION

That a rehabilitation loan in the amount of \$50,000.00 be approved for Mrs. Zelda M. Daley, owner of a Second Level Lodging Home at 178 John Street North. The loan is amortized over a ten-year period at three (3) percent interest, and is secured by a Lien on Title.

*E. W. Kowalski
per [signature]*

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

N/A

BACKGROUND

As the Committee is aware, the City of Hamilton recently received a capital grant in the amount of \$250,000. from the Ministry of Health for the implementation of a loan programme for the rehabilitation of Second Level Lodging Homes. The homes must accommodate ex-psychiatric patients. The City's Property Standards By-law 74-74 provides the basis for eligible items.

For the information of the Committee, the Department of Community Development has recently been informed that the City has been provided an additional \$75,000. for the implementation of this Programme.

This application represents the eighth loan processed under this Programme at a total cost of \$199,262. The home presently provides care for 20 out-patients. The loan is secured by a Lien on Title and all moneys collected on repayments are placed in a recyclable account to permit the continuance of the Programme.

The owner has also agreed to enter into an Operating Agreement with the Canadian Mental Health Association to deliver Social Programs to residents of the home.

FOR ACTION

4c.
(i)

REPORT TO:

Planning and Development Committee

FROM:

Mr. E. W. Kowalski, Director
Department of Community Development

DATE: 1988 March 16

COMM FILE: FACADE 20

DEPT FILE:

SUBJECT:

Commercial Facade Loan Programme

RECOMMENDATION

That a Commercial Facade Loan in the amount of \$50,000. be approved for Mr. Morty Morgenstern owner of 207, 209, 211 and 213 James Street North. The interest rate will be 4-1/2 percent, amortized over ten years.

E. W. Kowalski

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

N/A

BACKGROUND

The owner of 207, 209, 211 and 213 James Street North has applied for assistance under the City of Hamilton's Commercial Facade Loan Programme. As per the terms of the Programme, the Building Department has inspected the property as per the Property Standards By-law 74-74, and the necessary repairs have been included in the contract price.

The Department of Community Development recommends the approval of a Commercial Facade Loan to Mr. Morty Morgenstern for improvements to 207, 209, 211 and 213 James Street North in the amount of \$50,000. The loan will be amortized over a ten year period at 4-1/2 percent interest. The monthly payment will be \$518.28 and will be secured by a Promissory Note and a Lien registered on Title.

The total cost of the renovation costs proposed by the owner is \$77,000. and as per the terms of the Programme the Jamesville Business Improvement Area and the Local Architectural Conservation and Advisory Committee staff have approved the work which is to be undertaken.

FOR ACTION

4c.
(ii)

REPORT TO:

Planning and Development Committee

FROM:

DATE: 1988 March 18
COMM FILE: Facade 18
DEPT FILE:

Mr. E. W. Kowalski, Director,
Department of Community Development

SUBJECT:

Commercial Facade Loan Programme

RECOMMENDATION

That a loan increase in the amount of \$2,085. be approved for Mr. Jerry Sherman, owner of 155, 157, 159 and 161 James St. N. The total loan would now be \$10,935.

E. W. Kowalski *n/a.*

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

N/A

BACKGROUND

The Department of Community Development wishes to advise that additional work was deemed necessary at the above mentioned property, at an increased cost of \$2,085. This increase has been approved by the Building Department as an eligible item under the Programme.

The Planning and Development Committee previously approved a loan for Mr. Jerry Sherman on 1988 March 09, in the amount of \$8,850.

For the information of the Committee, the interest rate under the subject Programme is 4-1/2 percent amortized over a ten year period. The monthly payment will be \$113.35 and will be secured by a Promissory Note and a Lien registered on Title.

FOR ACTION

42.
(iii)

REPORT TO:

Planning and Development Committee

FROM:

E. W. Kowalski, Director
Department of Community Development

DATE: 1988 March 23

COMM FILE:

DEPT FILE: Facade 42

SUBJECT:

Commercial Facade Loan Programme

RECOMMENDATION

That a Commercial Facade Loan in the amount of \$30,000.00 be approved for Wildred Gerofsky, Richard Gerofsky and Molly Gerofsky, owners of 123-125 King Street East and 7-11 Catharine Street North. The interest rate will be 4-1/2 percent, amortized over 10 years.

E. Kowalski

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

N/A

BACKGROUND

The owners of 123-125 King Street East and 7-11 Catharine Street North have applied for assistance under the City of Hamilton's Commercial Facade Loan Programme. As per the terms of the Programme, the Building Department has inspected the property as per the Property Standards By-law 74-74, and the necessary repairs have been included in the contract price.

The Department of Community Development recommends the approval of a Commercial Facade Loan to the owners of this property in the amount of \$30,000.00. The loan will be amortized over a ten-year period at 4-1/2 percent interest. The monthly payment will be \$310.97 and will be secured by a Promissory Note and a Lien registered on Title.

Planning and Development
Committee

BACKGROUND (continued)

The total cost of the work involved is \$336,515.00, and the owners have also applied for financial assistance under the Provincial Low-Rise Rehabilitation Program. They will receive a grant of \$65,000.00.

Under normal circumstances, the Department of Community Development would process the Commercial Facade Loan application to the Local Architectural Conservation and Advisory Committee (L.A.C.A.C.) as well as to the Business Improvement Area (B.I.A.) for their approval; however, the work being undertaken at this property are Property Standards requirements. Therefore, this approval is not necessary.

5a

FOR ACTION

MAR 21 1988

REPORT TO: MR. J. D. THOMPSON, SECRETARY
PLANNING & DEVELOPMENT COMMITTEE

FROM: MR. T. BRADLEY, MANAGER
PURCHASING

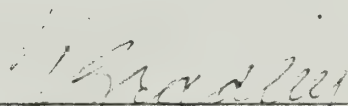
DATE: 1988 March 18
COMM FILE:
DEPT FILE:

SUBJECT: CONCRETE NOISE BARRIER FENCE, CENTRAL MEMORIAL RECREATION CENTRE

RECOMMENDATION

That a purchase order be issued to Royal Fence Ltd., London in the amount of \$34,995 for the installation of a Concrete Noise Barrier Fence, Central Memorial Recreation Centre for the Community Development Department, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Lowest of five (5) tenders received. Funds provided in Contractual Services Account #0405-P8-201.


T. Bradley, Manager of Purchasing

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)
See above RECOMMENDATION

BACKGROUND-Tender Analysis

Royal Fence Ltd., London	\$34,995.00
Peninsula Fence, Thorold	42,508.34
Evercrete Limited, Maple	45,990.37
Aldershot Landscape Contractors, Burlington	60,548.00
Milton Bridge Limited, Milton	87,796.00

MAR 24 1988

FOR ACTION

5b.

REPORT TO: MRS. S. K. REEDER, SECRETARY
PLANNING & DEVELOPMENT COMMITTEE

FROM: MR. T. BRADLEY, MANAGER
PURCHASING

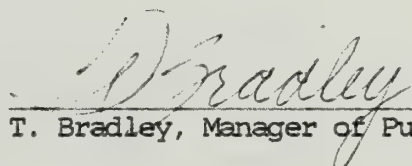
DATE: 1988 March 25
COMM FILE:
DEPT FILE:

SUBJECT: PARKING, DRIVEWAY & SERVICE ACCESS, CORKTOWN STINSON

RECOMMENDATION

That a purchase order be issued to Associated Paving, Mississauga in the amount of \$75,487 for the installation of Parking, Driveway and Service Access facilities, Corktown Stinson, for the Community Development Department, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Lowest of five (5) tenders received. Funds provided in Central Memorial Recreation Centre Paving Account #0405-T9.


T. Bradley, Manager of Purchasing

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

See above RECOMMENDATION

BACKGROUND-Tender Analysis

Associated Paving, Mississauga	\$75,487.00
Standard Paving, Hamilton	76,846.00
Black Top Enterprises, Hagersville	78,178.94
Burlington Paving, Burlington	87,064.00
Delmar Contracting, Fruitland	99,345.00

ID #0068D

F O R A C T I O N

6a.
(i)

REPORT TO: S. REEDER, ACTING SECRETARY
 PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. R. G. LEACH,
 COMMISSIONER OF ENGINEERING

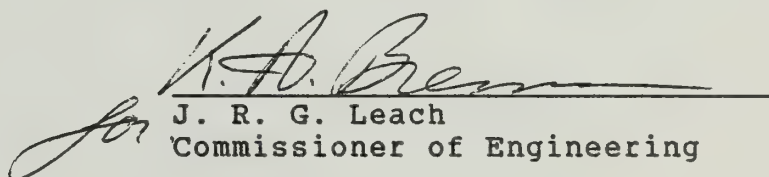
DATE: 1988 March 23
COMM. FILE:
DEPT. FILE: S701-47

SUBJECT:

"ALMAS GARDENS - PHASE 5", Hamilton
(Cash payment in lieu of 5% Parkland Dedication)

RECOMMENDATION

- (a) That the Corporation of the City of Hamilton accept the sum of \$30,000.00 as cash payment in lieu of 5% dedication in connection with "ALMAS GARDENS - PHASE 5", Hamilton, this being the cash requirement under Section 10 of the Planning Act.


J. R. G. Leach
Commissioner of Engineering

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

The owner of the lands for the above-referenced subdivision will be executing a Subdivision Agreement with the City of Hamilton in the near future. A copy of the Final Survey Plan is attached for your information.

- page 2 -
March 23, 1988

"ALMAS GARDENS - PHASE 5", Hamilton
(Cash payment in lieu of 5% Parkland Dedication)

Cont'd

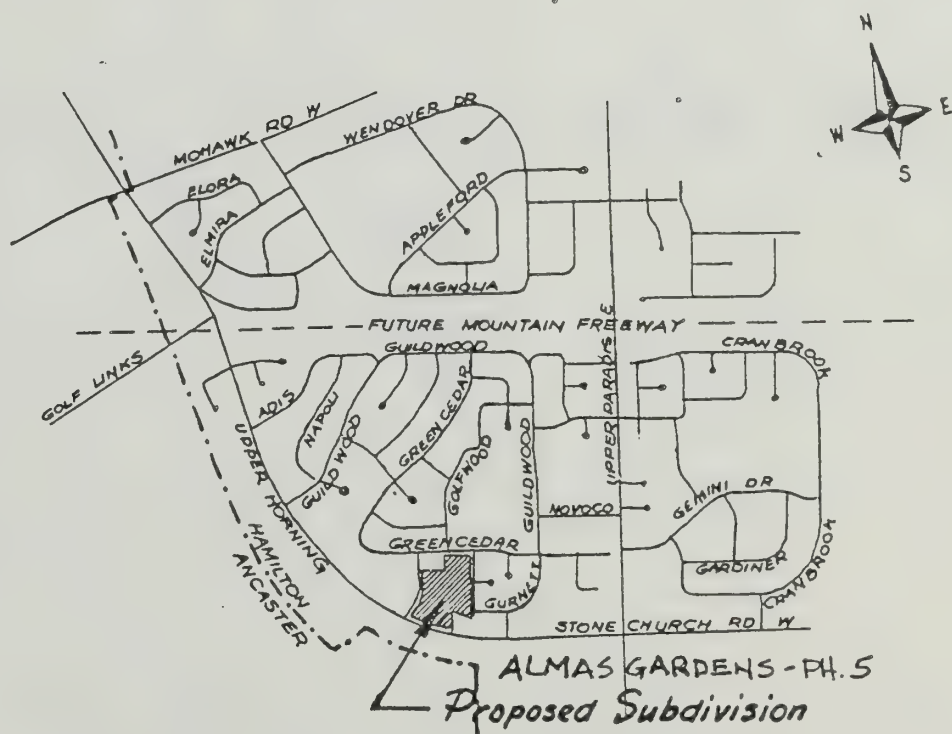
In accordance with normal City procedures, the City and Regional staff have completed calculations for the 5% cash payment in lieu of Parkland dedication. The sum to be included in the Subdivision Agreement has been calculated to be \$30,000.00.

NOTE: These lands are located west of Upper Paradise Road and north of Upper Horning Road in the Gurnett Neighbourhood, Hamilton.

CAU:sm
Attach.

cc: D. Consoli, City Treasury
D. Powers, City Solicitor

Key Plan
SCALE 1:20000



A. G. Black & Associates
 Construction Consulting and Contracting Group
 1000-10th St. • Denver, CO

FOR ACTION

6a
(ii)

REPORT TO: MR. J.D. THOMPSON, SECRETARY
PLANNING & DEVELOPMENT COMMITTEE

FROM: J.R.G. LEACH, COMMISSIONER
REGIONAL ENGINEERING DEPARTMENT

DATE: 1988 February 23

COMM FILE:

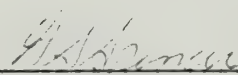
DEPT FILE: S701-44

SUBJECT:

"ASPEN WEST - PHASE 3", Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)

RECOMMENDATION

The Corporation of the City of Hamilton accept the sum of \$9,883.62 as cash payment in lieu of 5% dedication in connection with "ASPEN WEST - Phase 3", Hamilton, this being the cash requirement under Section 50 of the Planning Act.



J.R.G. LEACH
COMMISSIONER OF ENGINEERING

FINANCIAL IMPLICATIONS:

The cash amount that is to be included in the City Subdivision Agreement in lieu of the Subdivider dedicating 5% of the lands in the plan, has been calculated to be \$9,883.62.

BACKGROUND:

The owners of the lands for the above referenced subdivision will be executing a Subdivision Agreement with the City of Hamilton in the near future. A copy of the Final Survey Plan is attached for your information.

In accordance with normal City procedures, the City and Regional staff have completed the calculations for the 5% cash payment in lieu of Parkland dedication, as provided for under Section 50 of the Planning Act.

Note: These lands are located west of Upper Wentworth Street and South of the proposed Mountain Freeway in the Crerar Neighbourhood, Hamilton.

DVC:ln
Attach.

cc: D. Consoli, City Treasury Dept.
cc: P. Shen, City Solicitor's Office

PLAN 62M-

I CERTIFY THAT THIS PLAN IS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF WENTWORTH AT 10 O'CLOCK ON THE DAY OF THE SURVEY AND ENTERED IN THE REGISTER FOR THE TOWN OF WENTWORTH AND REQUIRED CONSENTS AND AFFIDAVITS ARE REGISTERED AS PLAN DOCUMENT N°

LAND REGISTRY OFFICE LAND TITLES DIVISION OF WENTWORTH N° 62

THIS PLAN COMPREHENDS PART OF PARCEL 11-2, SECTION 6A 7(C)

Aspen West - Phase three

BEING A SUBDIVISION OF PART OF LOT 11 - CONCESSION 7

TOWNSHIP OF BARTON

CITY OF HAMILTON

REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

SCALE 1:500

SIDNEY W. WOODS - INC. 1987

LEGEND
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048
BEARINGS ARE ASTROONOMIC AND ARE REFERRED TO THE NORTHWESTERN LIMIT OF MERILLIE CRESCENT AND SHOWN ON PLAN 62M- AS N 67° 06' 20" E
• DENOTES A PLANTED MONUMENT
• DENOTES A FOUND MONUMENT
• DENOTES A STANDARD ROD BAR
• DENOTES AN IRON BAR
DISTANCES SHOWN ON CURVES INDICATE LENGTHS OF ARC
UNLESS OTHERWISE SHOWN, ALL PLANTED MONUMENTS ARE IRON BARS.

SIDNEY W. WOODS INC.
ENGINEERS & SURVEYORS
HAMILTON
ONTARIO

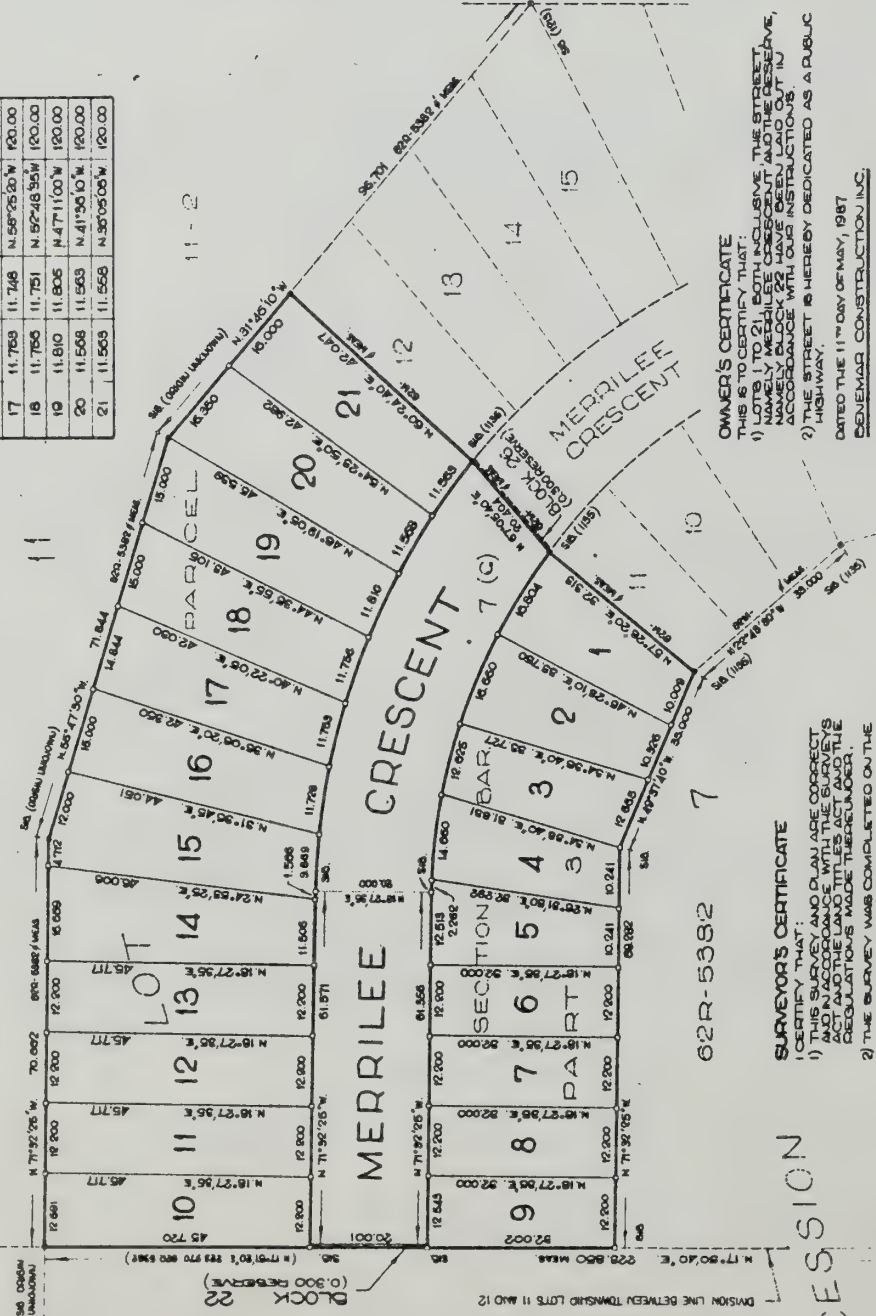
C-4674

UNIT	ARC	CHORD	BEARING	CHORDS
1	10.804	10.784	N 40° 15' 00" W	100.00
2	10.600	10.641	N 48° 50' 15" W	100.00
3	12.625	12.617	N 58° 13' 35" W	100.00
4	14.660	14.647	N 68° 02' 40" W	100.00
5	2.282	2.282	N 70° 54' 15" W	100.00
15	9.809	9.806	N 69° 11' 05" W	120.00
16	11.728	11.728	N 64° 10' 40" W	120.00
17	11.709	11.748	N 59° 25' 20" W	120.00
18	11.751	11.751	N 57° 48' 55" W	120.00
19	11.810	11.806	N 47° 11' 00" W	120.00
20	11.568	11.563	N 41° 50' 10" W	120.00
21	11.563	11.566	N 35° 05' 05" W	120.00

APPROVED UNDER SECTION 50 OF THE PLANNING ACT BY THE COUNCIL OF THE REGIONAL MUNICIPALITY OF HAMILTON - WENTWORTH THIS DAY OF

REGIONAL MUNICIPALITY OF HAMILTON
AUTHORIZED BY BY-LAW N° 105-02

PART 2 62R-5382



OWNER'S CERTIFICATE
THIS IS TO CERTIFY THAT THE SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT AND THE REGULATIONS MADE THEREUNDER.

1) THE SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT AND THE REGULATIONS MADE THEREUNDER.
2) THE STREET IS HEREBY DEDICATED AS A PUBLIC HIGHWAY.

DATED THE 11TH DAY OF MAY, 1987
BENEMAR CONSTRUCTION INC.

SURVEYOR'S CERTIFICATE
I CERTIFY THAT:

1) THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT AND THE REGULATIONS MADE THEREUNDER.
2) THE SURVEY WAS COMPLETED ON THE

HAMILTON, ONTARIO
SIDNEY W. WOODS - INC.

FOR ACTION

MAR 24 1988

7.

REPORT TO: Mrs. S. Reeder, Secretary
PLANNING & DEVELOPMENT COMMITTEE

FROM: Mr. D.W. Vyce, Director of Property

DATE: March 23, 1988

COMM FILE:

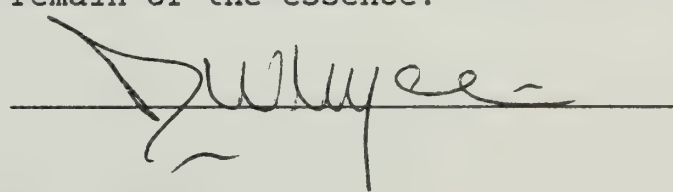
DEPT FILE: 20.1.281
(4506)

SUBJECT:

Proposed Extension of Closing Date
City Sale to Nash & Morison - 265 York Boulevard

RECOMMENDATION

- (a) That an Offer to Purchase an irregular shaped parcel of vacant land located on the southerly limit of York Boulevard between Hess Street North and Queen Street North from Douglas L. Nash and Brian W. Morison, scheduled for closing on or before March 1st, 1988, be extended to close on or before April 25th, 1988.
- (b) That interest is to be paid on the selling price at the prime rate of interest charged by the C.I.B.C. from March 1st, 1988 to the date of closing.
- (c) This extension is to be granted on the understanding that all other terms and conditions agreed to within the Offer to Purchase will remain unchanged, and time will remain of the essence.



FINANCIAL IMPLICATIONS - N/A

BACKGROUND

Council approved the sale of the subject lands on May 26th, 1987 with a closing date tentatively scheduled for October 29th, 1987. One of the conditions of the sale was that development of the property be subject to "Site Plan Control" and that such plans for development be approved by the City prior to the closing of the transaction. Because this mandatory site plan approval was unable to be obtained prior to the original closing set out in the Agreement, an extension to January 14th, 1988 was approved by City Council at its meeting on November 24th, 1987.

BACKGROUND - Continued...

A further extension from the January 14th, 1988 closing date until March 1st, 1988 was approved by City Council on February 9th, 1988 (Item 22, Third Report of the Planning & Development Committee) due again to the delay in applying for and receiving formal site plan approval.

We have now been advised that Committee of Adjustment approval was needed for zoning by-law variances relating to the canopy which will take until April 24th, 1988 to be finalized.

In view of the several previous extensions, the owner has agreed to pay interest at the prime rate set by the Canadian Imperial Bank of Commerce for the duration of this latest extension.

- c.c. - Mr. K.A. Rouff, City Solicitor
- Mr. E.C. Matthews, City Treasurer
 - Mr. M. Chidley, Regional Surveyor
 - Mr. P. Baker, General Manager,
Parking Authority of the City of Hamilton

8.

FOR ACTION

REPORT TO: S. Reeder, Secretary
Planning & Development Committee

FROM: C. Coutts, Secretary
Local Architectural Conservation
Advisory Committee

DATE: 1988 March 17
COMM FILE:
DEPT FILE:

SUBJECT:

Designation of the Canadian Westinghouse Head Office
286 Sanford Avenue North

RECOMMENDATION

1. That approval be given to the "Intent to Designate" the property at 286 Sanford Avenue North as a property of Historical and Architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983.
2. That the City Solicitor be authorized and directed to take appropriate action to have the property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

N/A

BACKGROUND

At its meeting held 1988 March 14, L.A.C.A.C. approved the designation of this property. Preliminary approval for the designation of this property was given at its meeting held 1988 February 11. The building is listed on the City's Inventory of Architecturally and/or Historically Significant Buildings. A copy of the report presented to L.A.C.A.C. containing the reasons for designation is attached.

CC/jc

cc: Mrs. D. Dent, Chairman
Mrs. N. Chapple, Planning Department

FOR ACTION

2(C)

REPORT TO: LACAC

FROM: PLANNING AND DEVELOPMENT DEPARTMENT

DATE: March 9, 1988

COMM FILE:

DEPT. FILE:

SUBJECT

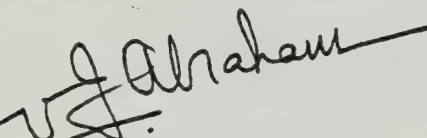
Designation of the Canadian Westinghouse Head Office,
286 Sanford Avenue North.


RECOMMENDATION

That City Council give approval to the "Intent to Designate" the Canadian Westinghouse Head Office at 286 Sanford Avenue North as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983.

That the City Solicitor be authorized and directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

Respectfully submitted,


V. J. Abraham, M.C.I.P.
Director of Local Planning


Nina Chapple
Architectural Historian

EXPLANATORY NOTE

The current owner has requested designation.
The building is considered to be architecturally and historically significant.

BACKGROUND

LACAC gave preliminary approval for the designation of this property at its last meeting, February 11, 1988.

The building is listed on the City's Inventory of Architecturally and/or Historically Significant Buildings.

Reasons for Designation to be circulated at the meeting.

N.C.:nd

W.P. DOC. 0111P

REASONS FOR DESIGNATION

The Canadian Westinghouse Head Office 286 Sanford Avenue North

The Canadian Westinghouse head office at 286 Sanford Avenue North was erected in 1917, directly south of the company's main plant. Designed by the Hamilton architectural firm of Prack & Perrine, the original five-storey brick and stone clad building had a dignified presence in the City's rapidly growing industrial east end. With the increased height gained by the addition of two more stories in 1928, the building acquired a taller, narrower profile while retaining all of its original architectural features. Today the Westinghouse office building dominates the surrounding low-rise buildings and open spaces and is a prominent landmark in the Barton Street/Sanford Avenue area.

Designed by the predecessor of Prack & Prack, a firm which specialized in industrial architecture, the building is representative of the industrial office buildings designed by Canadian architects in the early 20th century. The Westinghouse head office was an attractive and functional building designed to accommodate the company's needs as well as to project a successful corporate image. The advanced reinforced concrete construction is expressed in the grid-like composition of the building's two end sections. Emphasis is given to the top and bottom floors, through the use of a decorative stone cornice, string courses, and arched windows and doorways. Another noteworthy feature of the original design was the suspended ornamental metal canopy over the main entrance doorway (removed in 1969 or 1970). Decorative plaques on the first storey feature the Westinghouse initials.

The City of Hamilton was selected as the site of the Canadian Westinghouse headquarters following the company's incorporation in 1903. The erection of a large head office building symbolized its impressive growth, from a small railroad air brake manufacturing firm established at this location in 1897 by George Westinghouse to one of the country's leading manufacturers of electrical equipment. The 1928 addition to the building following the first major expansion of the company's production facilities - the completion in 1924 of its west end plant. Throughout its history, the Canadian Westinghouse Co. (now Westinghouse Canada Ltd.) has played a major role in Hamilton's industrial growth and made an important contribution to the development of new types of electrical apparatus: notably, transformers, hydro-electric generators (used in Ontario Hydro stations on the Niagara River), radios, stoves and refrigerators.

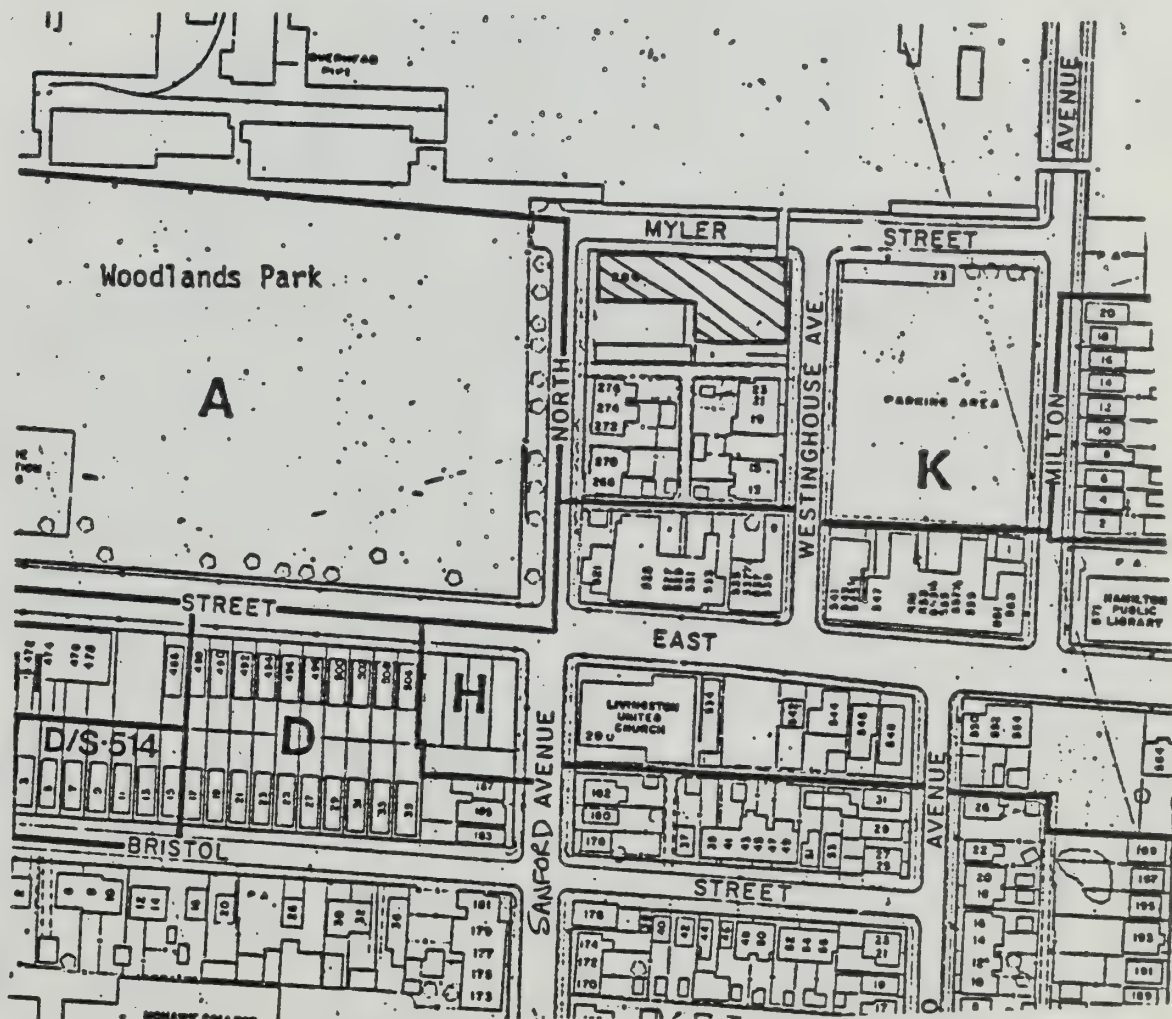
Important to the preservation of the Canadian Westinghouse head office building are the original architectural features of all four exterior facades, including the brick masonry walls, the stone trim and the wood-framed, double-hung windows, but excluding the modern entrance doors on the east and west facades.

N.C.:nd

W.P. DOC. 0111P

CURRENT INFORMATION ON SITE AND BUILDING

Map: Gibson Neighbourhood Plan



Zoning: "K" Heavy Industrial

Context: Industrial area to north
Commercial/residential area to south and east
Park to west

Building Frontage:

Assessment:



CANADIAN WESTINGHOUSE HEAD OFFICE
286 Sanford Avenue North



Current view of East facade with entrance from Westinghouse Avenue and south side of building.



Current view of main entrance from Sanford Avenue, showing alterations made to stairs and landing, lighting fixtures, entrance doorway and window above. (glass replaced by vents for an air conditioning unit).

9.

FOR ACTION

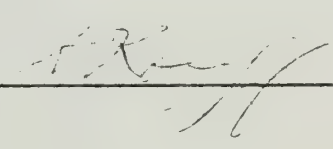
REPORT TO: Mrs. Susan Reeder, Secretary
Planning and Development Committee

FROM: K. A. Rouff, City Solicitor

DATE: 1988 March 4
COMM FILE:
DEPT FILE: 100-1.340

SUBJECT: Butler et al vs City/Architects Fees
re Library Farmers' Market

RECOMMENDATION That the interim account of Weir and Foulds, Barristers and Solicitors dated February 25, 1988 in the amount of \$5,898.00 for fees and \$127.16 for disbursements for a total of \$6,025.16 be paid. This account covers services from January 1, 1988 to February 8, 1988.



FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

payment of \$6,025.16

BACKGROUND This involves a Supreme Court of Ontario action by the architects of the Hamilton Central Library and Farmers' Market for further fees and interest for \$600,000.00. By adopting Section 20 of the Twenty-Fifth Report of the Planning and Development Committee at its meeting of September 24, 1985, City Council approved the firm of Weir and Foulds, Barristers and Solicitors to be retained under the direction of the City Solicitor to act for the City. The case is now at the pre-trial stage and Mr. Prehogan of Weir and Foulds has been authorized to enter negotiations with the Plaintiffs with a view to reaching a settlement of this matter.

c.c. Mr. L. Sage, C.A.O.
c.c. Mr. E. C. Matthews, City Treasurer

10.

MEMORANDUM • CITY OF HAMILTON

TO : Mrs. S. K. Reeder, Acting Secretary
Planning and Development Committee YOUR FILE :

FROM : Mr. J. J. Schatz, Secretary
Executive Committee OUR FILE :

SUBJECT : NATIONAL CONFERENCE ON DOWNTOWN
REVITALIZATION DATE : March 1, 1988

Attached for your information please find documentation regarding a National Conference on Downtown Revitalization to be held in Toronto May 8, 9, 10 and 11, 1988 which the Executive Committee is referring to the Planning and Development Committee for its consideration.

R. Schatz

JJS/dg
att.

c.c.: Mr. E. W. Kowalski, Director of Community Development.
Mr. V. J. Abraham, Director of Local Planning

DOWNTOWN COMING TOGETHER

May 8, 9, 10 & 11, 1988

Toronto, Canada



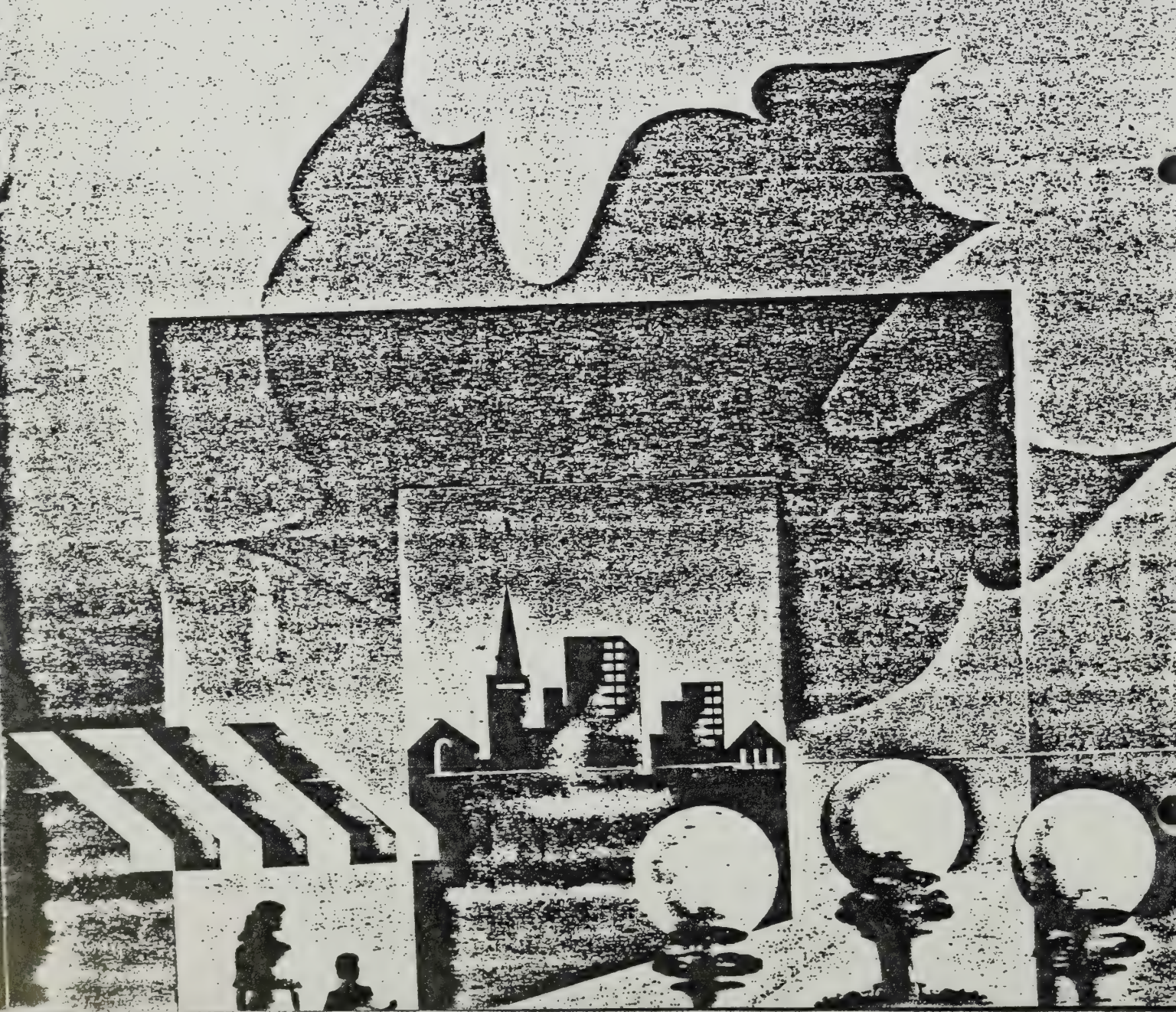
Ontario
Ministry of Municipal Affairs
Ministère des Affaires municipales



The Heritage Canada Foundation
La Fondation canadienne pour
la protection du patrimoine



Ontario Business Improvement
Area Association
L'Association ontarienne des
zones de mise en valeur commerciale



The National Conference on Downtown Revitalization

May 8th-11th, 1988 - The Royal York Hotel

Toronto, Ontario

Be a part of Downtown Coming Together

Participate in this first national conference to learn techniques for *revitalization - redesigning - managing a downtown - market trends - promotion - consumer habits.*

Join 1,000 politicians, municipal leaders, urban planners, economic development officers, downtown managers, architects, contractors, building owners, real estate developers, retailers and business executives.

Conference Highlights

- *Exhibition '88* - 50 plus Exhibitors displaying new services, techniques and products.
- *Key note address* - Leading experts will address key revitalization issues.
- *Pride awards luncheon* - Minister of Municipal Affairs John Eakins will present these prestigious awards.
- *8 Mobile workshops** - See first-hand how Toronto and neighbouring communities are meeting the revitalization challenge of the 90's.
- *Information sharing* - Exchange ideas, learn new concepts, address topical questions and theories.
- *Speakers* - From coast to coast they will share their views and expertise.
- *Dinner banquet* - Entertainment featuring Canada's renowned comedian Dave Broadfoot.
- *30 Working and plenary sessions* - Informative, topical and challenging - a perfect opportunity to learn and participate in issues/topics that interest you.

Some highlights:

- *Organization* - Focus on effective organization skills, the governments' role, and human resource motivation.
- *Marketing* - Learn how to promote your community's unique selling position, utilize the media, and recognize changing consumer trends.
- *Economic Development* - Discover new recruitment techniques, waterfront revitalization skills, tourism development methods, and innovative competition tactics.
- *Design* - Meet the challenge of redesigning and preserving the built environment by capitalizing on your downtown's architecture.

Other hot topics:

- Downtown Housing
- Diversifying Single Resource-Communities
- Suburban Downtowns
- Working With Winter
- Stopping Crime on Mainstreet

The National Conference
On Downtown Revitalization
Conference Secretariat

c/o Coordination Plus Inc.

Hotel Reservation

(Please note that reservations at the Royal York Hotel can only be made through the Conference Management Office. Bookings will not be accepted directly by the hotel. Your hotel reservation will be confirmed to you along with your Conference registration confirmation.)

Please guarantee the following at The Royal York Hotel
(Prices are per night exclusive of provincial sales tax):

Single room @ \$110.00 _____

Double room @ \$130.00 _____

Suite - please contact Conference Management Office.

Arrival Date

Departure Date

(Please note that these dates must be specified in order that your reservations may be confirmed.)

For office use only:

No.

Amount

Initial

I authorize use of the following card to guarantee my reservation for the hotel:

Type of Card

Name on Card

Account Number

Expiry date

Date

Signature

MEMORANDUM • CITY OF HAMILTON

11.

TO : Susan K. Reeder, Secretary
Planning and Development Committee

YOUR FILE:

FROM : John Thompson, Secretary
Legislation Committee

OUR FILE :

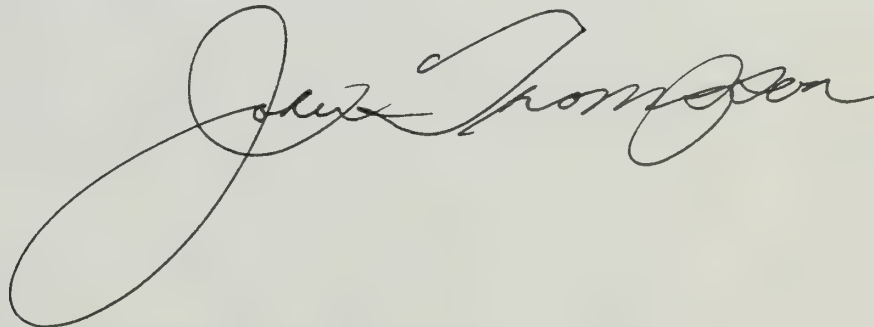
SUBJECT : BUSINESS WATCH

DATE : 1988 March 17

I am forwarding herewith for your information and attention, a of a letter from Ms. Besima Lenke, Business Watch, Co-ordinator to Alderman V. J. Agro dated 1988 February 15 requesting that a member of City Council be appointed serve on their Steering Committee.

In consultation with the City Clerk at the agenda review meeting of the Legislation Committee, it was felt that this was a matter to be more properly dealt with by the Planning and Development Committee as the approval process for the designation of Business Improvement Areas falls under the jurisdiction of the Planning and Development Committee.

Accordingly, would you please arrange to present this request to the Planning and Development Committee for consideration and recommendation.



JT:mjw

Attachment

c.c. Alderman V. J. Agro, Chairman
Legislation Committee

Ms. Besima Lenke
Business Watch Co-ordinator

B U S I N E S S W A T C H

51 Woodman Dr.,N. Hamilton, Ontario

L8H 2M6 Phone (416) 578-0123

February 15, 1988

Legislation Committee

Alderman V.J. Agro

Chairman

71 Main Street, West

Hamilton, Ontario

L8N 3T4

Dear Alderman V. Agro:

I am writing to you in regards to the Business Watch program that has been endorsed by Hamilton City Council as of January 26, 1988.

The Business Watch program has been in effect for approximately two years in the designated area of the Ottawa Street Business Improvement Area, but the program is new to the Hamilton-Wentworth Region. Therefore, in order for the program to become implemented in other business areas a Steering Committee is being established. This Steering committee will be the task force that will review implementation, outline guideline and assist locate funding for the program.

With Aldermanic support either Regional or City support, and with representation from other organizations, the community could then feel assured that they would be receiving a program that was designed with their best interest at heart.

Aldermanic support has always been invaluable to the Business Watch program and we would again look forward to Aldermanic representation on the Steering Committee. The Steering Committee would meet once a month for about three hours a month. If you require further information please do not hesitate to contact me at 51 Woodman Dr.,N. Hamilton, Ontario L8H 2M6.

Looking forward to hearing from you.

Sincerely,

Besima Lemke

Ms. Besima Lemke
Business Watch, Co-ordinator

✓ Copy to Secretary, Legislation Committee from Alderman Agro

FOR ACTION

12a.

REPORT TO: SUSAN REEDER, ACTING SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 March 09
COMM FILE:
DEPT. FILE: ZA-87-28

SUBJECT:

Request for a general amendment to the "A" (Conservation, Open Space, Park and Recreation) District and "AA" (Agricultural) District.

RECOMMENDATION

- (a) That Zoning Application ZA-87-28, John Norris, applicant, requesting a general amendment to the "A" (Conservation, Open Space, Park and Recreation) District and "AA" (Agricultural) District be tabled, pending the completion of a review of the "A" and "AA" District provisions.
- (b) That the Planning and Development Department, in conjunction with other City Departments, be directed to undertake a review of the "A" and "AA" District zoning provisions as a "Demand Responsive Project" under the 1988 Work Programme, subject to the availability of time. Alternatively, the review is to be included as a "Special Project" with top-priority under the 1989 Work Programme.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

● Planning and Development Department

At its meeting of February 10, 1988, the Planning and Development Committee requested staff "to report back in thirty (30) days on recommendations of how to undertake the requested study and what readjustments would be required for the Planning and Development Department's work programme to carry out the Study."

● Zoning Application

Following the recent OMB Hearing respecting the City's application for the approval of financing for the construction of the "West Mountain Twin Pad Arena", the applicant has raised concerns that the range of uses permitted as-of-right in the "A" (Conservation, Open Space, Park and Recreation) District and "AA" (Agricultural) District is too liberal.

More specifically, the applicant is concerned that property owners living within or adjacent to the "A" and "AA" Districts are not adequately protected against the establishment of a variety of uses (e.g. library, community centre, school, hospital, etc.), and the potential spill-over effects arising therefrom (e.g. traffic, parking, etc.). In addition, the applicant has indicated that the District titles ("Conservation, Open Space, Park and Recreation", and "Agricultural") are misnomers, in that they are not indicative of the wide range of uses that are permitted in each district.

Given these concerns, the applicant has initiated a general amendment to the "A" (Conservation, Open Space, Park and Recreation) District to, among other things, limit the floor area of community or recreation centres to 1,000 m² (10,764 sq. ft.). With respect to the "AA" (Agricultural) District, the applicant proposes to delete among other uses, the following:

- public hospitals;
- a children's residence;
- schools, colleges, universities, etc.;
- library, community centre, swimming pool, etc;
- fairground; and,
- livery stable, riding academy, kennel, etc.

APPLICANT

John Norris.

AFFECTED LANDS

All lands in the City of Hamilton zoned "A" (Conservation, Open Space, Park and Recreation) District and "AA" (Agricultural) District, whether publicly or privately owned.

"A" AND "AA" STUDY

The following is a summary of the projected time requirements and associated tasks for the undertaking of a study/review of the "A" (Conservation, Open Space, Park and Recreation) District and "AA" (Agricultural) District provisions under Zoning By-Law No. 6593.

1. Data Base

- Establish a land inventory (e.g., location, property size, existing land use, ownership, etc.) for all lands zoned "A" and "AA" in the City of Hamilton.

2. Planning Regulations

- Review Official Plan policies respecting "open space", "recreational" and "cultural" facilities.
- Review existing "A" and "AA" Districts respecting permitted uses and regulations under By-law No. 6593.
- Survey zoning regulations for similar uses in other municipalities (e.g., Burlington, Oakville, Ottawa, etc.) for comparative purposes.
- Review current development standards for cultural/recreational facilities.

3. Liaison

- Liaise with other City Departments (e.g. Culture and Recreation) and Public Agencies (e.g. Hamilton Region Conservation Authority) respecting approved and planned development programs for "A" and "AA" zoned lands.

4. Report Preparation

- Preparation of Draft report and circularization to affected Departments and Agencies for review and comment, including a Public Meeting.
- Review submissions and preparation of report for submission to Planning and Development Committee.

5. Study Program

- Approximately 60 person days total, consisting of:

- 40 days Planner I;
- 5 days Division Head;
- 5 days Stenographic; and,
- 10 days Support Services.

6. Study Timing

On the basis of the approved 1988 Work Programme, it is anticipated that the study could be initiated in the latter part of 1988 (approximately November), provided:

- there are no time over-runs on scheduled projects;
- there are no major time losses due to "demand responsive" projects;
- development application trends remain stable; and,
- there is no significant increase in O.M.B. Hearings.

Alternatively, the study would be included in the 1989 Work Programme as a priority project.

PM/dkp

WP 0021P

FOR ACTION

12b.

REPORT TO: SUSAN REEDER, ACTING SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 March 10
COMM FILE:
DEPT. FILE: P5-7-1

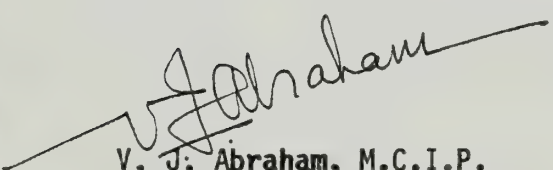
SUBJECT:

Proposed Amendment 33 to the Niagara Escarpment Plan.

RECOMMENDATION

That the Planning and Development Committee recommend to Council:

- (a) That the City Clerk notify the Clerk of the Regional Municipality of Hamilton-Wentworth that the City of Hamilton does not object to the proposed Amendment 33 to the Niagara Escarpment Plan.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A.

BACKGROUND

The Niagara Escarpment Commission has requested the City of Hamilton to comment on proposed Amendment 33 to the Niagara Escarpment Plan which has been initiated by the Hamilton Region Conservation Authority. The Amendment will allow the proposed "Iroquoia Heights Conservation Area" to be included in the Niagara Escarpment Parks System. The subject lands are entirely located in the Town of Ancaster. In addition, other minor changes to the Plan's parks policies are proposed to bring the Plan up-to-date.

REPORT

The Hamilton Region Conservation Authority has initiated an amendment to the Niagara Escarpment Plan to include the proposed "Iroquoia Heights Conservation Area" in the Niagara Escarpment Parks System. The property was recently acquired by the Province of Ontario and will eventually be transferred to the Hamilton Region Conservation Authority. The property is located in the Town of Ancaster and is bounded by the Escarpment face and Highway 403 to the north, on the west by vacant land which fronts onto Highway 403, the south by Mohawk Road and on the east by urban development (see attached map). The abandoned Brantford and Hamilton Electric Railway bisects the property and is the current route of the Bruce Trail. The property is characterized by a mixture of abandoned fields and succession growth. It provides a mixture of biological communities which is considered to be of Regional significance. The Niagara Escarpment Plan designates the subject property as "Escarpment Natural Area" and "Escarpment Protection Area" with some "Urban Area" fronting onto Mohawk Road. The inclusion of this property into the Niagara Escarpment Parks System would allow the land to be used for the purposes of protecting the significant features of the landscape and to provide outdoor recreation opportunities.

In addition, minor wording changes are being initiated to the Parks section of the Plan for the restructuring of park names and general clarification purposes.

CONCLUSION

The proposed amendment to the Niagara Escarpment Plan would not adversely affect the planning interest of the City of Hamilton.

MM:CS
0019P



Location Map Showing Proposed Amendment No. 33/HW/87

Subject Property.....

LEGEND

Escarpment Natural Area

Escarpment Protection Area

Escarpment Rural Area

Minor Urban Centre

Urban Area

Escarpment Recreation Area

Mineral Resource Extraction Area

Public Land (in Parks System)

FOR ACTION

12c.

REPORT TO: SUSAN K. REEDER, SECRETARY
OF THE PLANNING AND
DEVELOPMENT COMMITTEE

DATE: 1988 March 23
COMM FILE:
DEPT FILE: DA-87-86
Nashdale
Neighbourhood

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Site Plan Control Application DA-87-86 for 590 Nash Road and request to modify a registered Site Plan Agreement.

RECOMMENDATION

That approval be given to Site Plan Control Application DA-87-86 by Oshawa Holdings Limited, owner of the lands at 590 Nash Road for a phased expansion of the existing warehouse for Lang's Cold Storage facilities subject to the following:

- a) modification to the plans related to notes, dimensions and grades as marked in red in the plans; and,
- b) provision of a note on the plan indicating the phasing of development and plantings, location of plantings on the road allowance and a note indicating that the tree plantings of Stage 2 will occur not later than two years after registration of the amending agreement; and further,

2. That the following be forwarded to City Council:

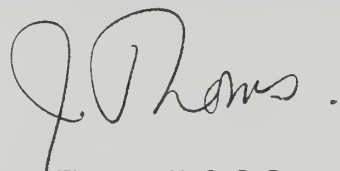
"That in regards to Site Plan Control Application DA-87-86 by Oshawa Holdings Limited, owner of lands at 590 Nash Road for an expansion of the existing Lang's Cold Storage facility, that the existing Site Plan Control Agreement registered on May 22, 1984 as Instrument No. 280948 C.D. be amended by replacing Schedule "A", Drawing H-043 with the planting plan for Site Plan Control Application DA-87-86 by EDA Collaborative Inc. dated March 2, 1988, revised as per the requirement of the City of Hamilton.

EXPLANATORY NOTE

The existing registered Site Plan Control Agreement provides for landscaping and parking and loading areas to be located on lands 11.82 m x 311.603 m (38.78 ft x 1022.32 ft) abutting Confederation Drive and plantings on the road allowance. The applicant has requested an amendment to the plans to permit a phased expansion of the facility in the area under Site Plan Control and provision of four landscaped areas of approximately 4.5 m in width and 34 m, 24 m, 100 m and 24 m in length within the property and two landscape areas of approximately 1.5 m in width and 48 m and 75 m in length on the road allowance.



V. J. Abraham, M.C.I.P.
Director of Local Planning



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

BACKGROUND

Plans have been submitted for a phased expansion of the existing warehouse located at 590 Nash Road for Lang's Cold Storage.

The strip of land adjacent to Confederation Drive is 11.82 m x 311.603 m (38.79 ft x 1022.32 ft) and is presently used as parking and loading area with a landscaped earth berm. This area was placed under Site Plan Control by By-law 83-151 with plans approved by the Planning and Development Committee at its meeting of June 1, 1983 and included in a Site Plan Control Agreement registered on title of the land on May 22, 1984 as Instrument No. 280948 C.D.

The remainder of the property owned by the applicant, Oshawa Holdings Limited, is not under Site Plan Control. The entire property is zoned "KK" (Restricted Heavy Industrial) District which permits the proposed expansion but only the portion of land adjacent to Confederation Drive is subject to Site Plan Control.

The applicant has indicated that Stage 1 will consist of a building addition of approximately 2,827 m² (30,431 sq. ft.), landscaping on the road allowance adjacent to the building, redeveloped parking and truck area to the west of the addition and plantings adjacent to Confederation Drive.

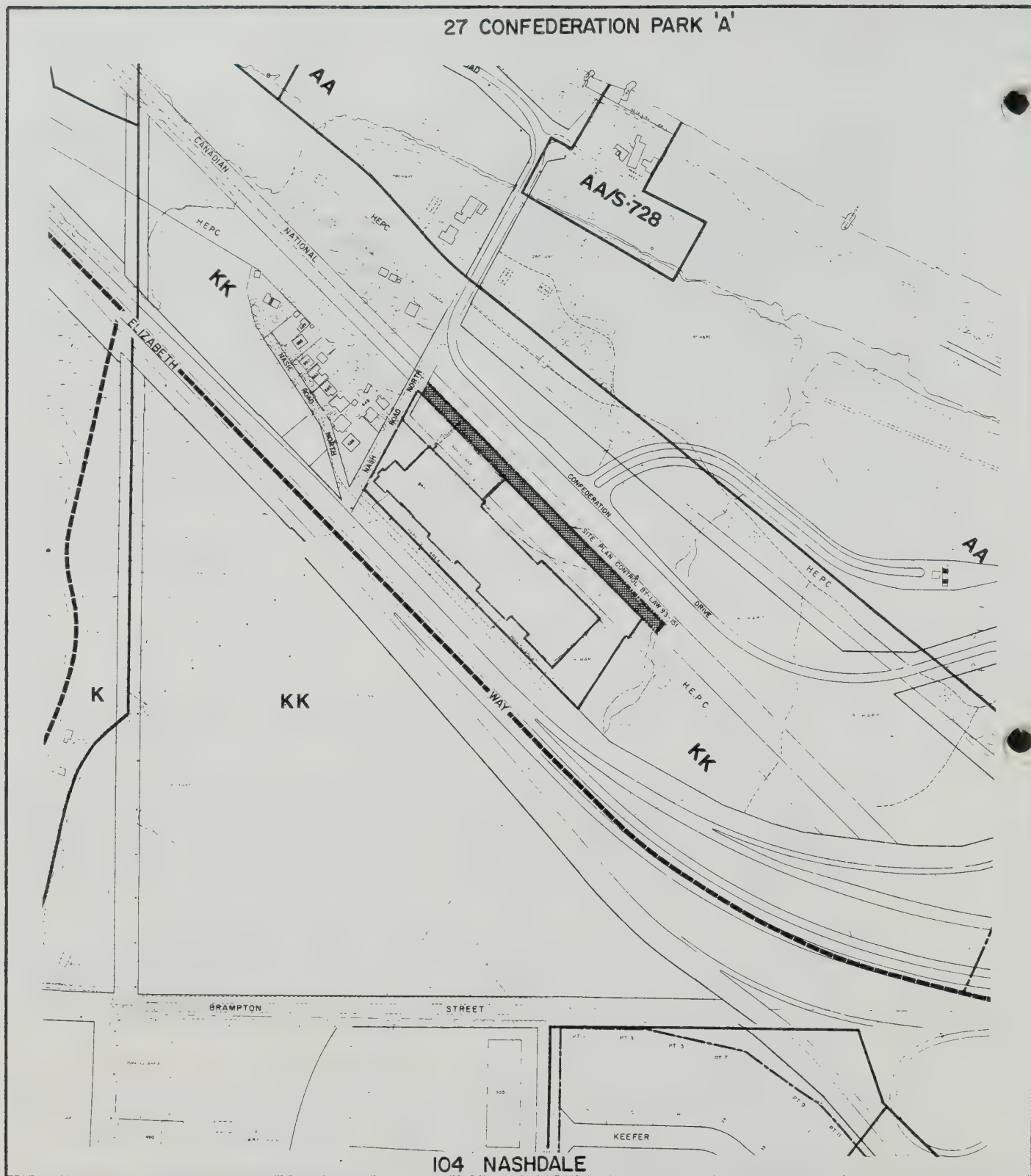
Stages 2 and 3 of approximately 2482 m² (26,717 sq. ft.) and 3501 m² (37,686 sq. ft.) and the related plantings in front of each of these stages are future expansion programs.

Discussions have taken place between the applicant and staff to ensure that appropriate landscape and building design is incorporated in the proposal to fulfill the original intent of the landscape buffer adjacent to Confederation Drive approved in 1983.

The overall design of landscape and building will comply with that intention but concern is expressed by the Planning and Development Department that timing of implementation of the various stages and related plantings cannot be confirmed. It is therefore recommended that the agreement and plans provide for the tree plantings of the indentation area of the building, primarily Stage 2, which consists of 6 Fir trees and 6 Ash trees should be planted not later than two years after the date of registration of the agreement.

This will allow for the establishment of some landscape treatment if Stage 2 is not proceeding. The applicant has indicated that this is unreasonable in consideration of such a large construction project anticipated in very close proximity. The Department can appreciate the limitation which tree plantings may impose on any adjacent development but must evaluate the intent of the original landscape design and continued implementation of that concept. Depending on the time of Stage 2, an evaluation will have to be made at that time as to size of trees, what limitation exists, can they be moved or must they be replaced.

27 CONFEDERATION PARK 'A'



PLAN SHOWING
LANDS SUBJECT TO

SITE PLAN CONTROL
APPLICATION DA-87-86

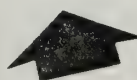
Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



SITE OF THE APPLICATION

North



Scale
1:5,000

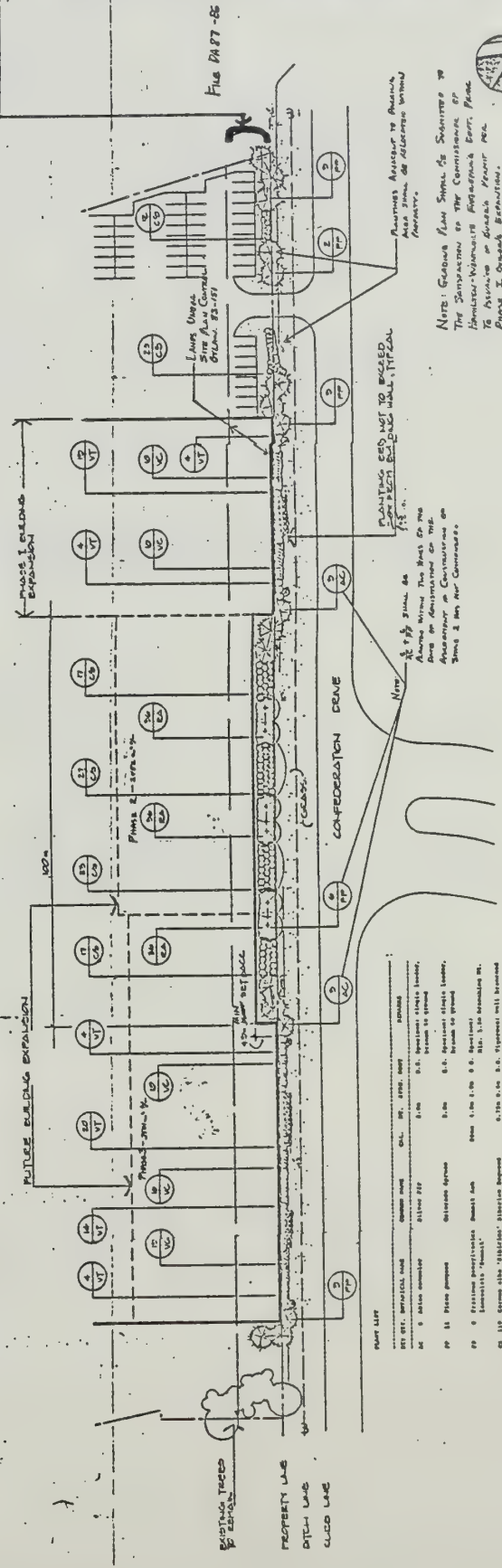
Date
SEPT., 1987

Reference File No.
DA-87-86

Drawing No.
87-H-

[illegible]

ELEVATION



10 20 30 40 50 60 70 80 90 100

NOTE: GEORGE'S PLAN SHALL BE SUBMITTED TO THE SANITATION OF THE COMMISSIONER OF THE DISTRICT OF COLUMBIA FOR APPROVAL.

12 July 1964
 A large Windy Two West 50 mph
 was so disastrous to the
 transport at Cantonment on
 12 July 1964.

- PLANNING ADJUST TO PLANNING AREA WITHIN THE LOCATION OF PLANNING AREA

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FOR ACTION

12d.

REPORT TO: SUSAN REEDER, ACTING SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

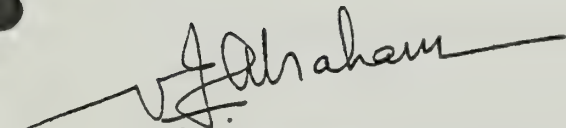
DATE: 1988 March 23
COMM FILE:
DEPT. FILE: P5-4-7-15

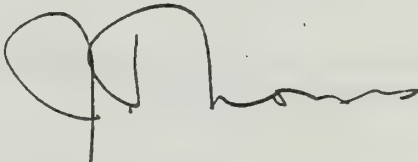
SUBJECT:

Authorization for a Public Meeting - High Density Residential Development Study

RECOMMENDATION

- (a) That the Planning and Development Department be authorized to hold a Public Meeting, to review the draft recommendations of the High Density Residential Development Study.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

The Planning and Development Department was authorized to proceed with the High Density Residential Development Study at the April 9, 1987 meeting of the Planning and Development Committee, after a Community Planning Grant was received from the Ministry of Municipal Affairs.

Phase I of the Study involved the production of a Background Report. This document:

- (i) determined that additional high density housing is needed in the Central Area;
- (ii) identified the urban design issues associated with this form of residential development; and,
- (iii) outlined a number of options for how the City could modify its policies and regulations pertaining to high density housing.

The Background Report was received at the September 30, 1987 meeting of the Planning and Development Committee. At the same meeting, the Planning and Development Department was authorized to proceed with Phase II of the Study.

A key element of Phase II has been the work of a Citizen Advisory Committee (see attached list of members). This Committee has reviewed the Background Report and other material presented by staff and the firm of A. J. Diamond, the Consultant hired for the Study.

The Committee reviewed in detail and approved the proposed recommendations (see attached). These will be modified taking into account public input and further staff comments prior to being brought back to the Planning and Development Committee.

A public meeting is required and this has been tentatively scheduled for the evening of April 11, 1988.

JD/dkp

WP 0021P

**MEMBERSHIP: HIGH DENSITY RESIDENTIAL
DEVELOPMENT STUDY ADVISORY COMMITTEE**

Organization	Representative(s)
Planning and Development Committee	Alderman Don Ross
Central Area Plan Implementation Committee	Mark Boyak Clodagh Stoker-Long
Local Architectural Conservation Advisory Committee	John Nolan Howard Mark
Urban Design Committee	Gil Simmons Gabriel Etele
Durand Neighbourhood Plan Advisory Committee	Bruce Charlton
Durand Neighbourhood Association	Janet Black Janet Snelgrove
Corktown-Stinson Neighbourhood Association	Francois Roesch David Cohen Carol Sayer
Chamber of Commerce	John Hryczynski
Metropolitan Hamilton Real Estate Board	Ernie Geisel
Hamilton and District Home Builder's Association	Percy Barnett
Hamilton Society of Architects	Rick Butterworth Marek Radojewski
Hess Village Merchants Association	Skip Snelgrove

RECOMMENDATIONS:

**HIGH DENSITY RESIDENTIAL DEVELOPMENT STUDY
ADVISORY COMMITTEE**

**REVISED FIRST DRAFT
(reviewed by Advisory Committee)**

RESOLUTIONS

1. That the City pass a resolution urging the Province to modify the Building Code to allow for greater flexibility in the conversion of existing buildings to new residential and commercial uses, while continuing to ensure building safety.
 - this could enhance the economic viability of older structures by providing for their conversion to new uses. For example, single family residences could be adapted for office use, and older commercial and industrial blocks could be renovated for apartments.
 - the need to meet the standards set out in the Building Code, however, frequently increases the costs of such conversions, or makes them impossible. At present, the Building Code makes no special provisions for conversions to commercial uses, and while Section 11 relaxes somewhat the standards that must be met by conversions to residential use, more could be done in this area.
 - background material would be submitted along with the resolution.
2. That the City pass a resolution urging the Province to increase levels of funding for subsidized housing, especially for the purchase of land and the construction of new units, to encourage additional housing of this type in the Central Area.
 - This area has the greatest concentration of social service agencies and low-skilled employment opportunities. Furthermore, the hub of the public transit system is in the Central Area.
 - at present, however, high land costs in this part of the City represent a serious impediment to the construction of subsidized housing.

3. That the City pass a resolution urging the Federal and Provincial Governments to create a scheme of tax incentives to encourage the rehabilitation of older properties, especially those of architectural and/or historical significance.
 - such a scheme would encourage the preservation of the existing building stock through subsidizing renovation expenses to owners.
 - it should be noted that at the request of LACAC, Council on December 9, 1986 passed a resolution supporting the aims of the Building Revival Coalitions, which include the establishment of Federal tax incentives to encourage heritage conservation.
4. That the City pass a resolution urging the Province increase funding for its "Convert-to-Rent" and "Renterprise" Programs, along with the various housing rehabilitation programs under Provincial jurisdiction.
 - the Convert-to-Rent program helps to increase the City's stock of rental units.
 - the Renterprise program encourages the construction of both market rental accomodation and subsidized housing units.
 - the Ontario Home Renewal Program (OHRP), the High Rise Rehabilitation Program (HRRP), and the Low Rise rehabilitation Program (LRRP) help to conserve the existing building stock, while the latter also involves an increase in the stock of subsidized housing units.
5. That the City pass a resolution requesting that as part of a review of the total property tax structure, the Province re-examine the assessment of condominium units in multiple residential buildings, in comparision to the assessment of rental units in the same type of structures.
 - at present, the assessment factor applied to condominium units is the same as that applied to single family homes, even if they are situated in a multiple residential buildings (i.e. one with 6+ units). What this means is that in the assessment placed upon a condomium unit in a multiple residential building is only 40 % of that placed upon a rental unit with the same market value.

POLICIES

6. That the Central Area Plan include a policy supporting in principle increases in the floor area/lot area ratio, decreases in setbacks and landscapes, and additional commercial uses, in exchange for:
 - (i) lower building heights;
 - (ii) building scale, setbacks, and design which are compatible with existing streetscapes;
 - (iii) innovative or energy-efficient design;
 - (iv) preservation of heritage buildings or of historical features such as building facades;
 - (v) preservation of trees and other landscape features;
 - (vi) dedication to the City of open space around residential structures, for the development of public open spaces;
 - (vii) turning over units to a local housing authority, or providing subsidized housing;
 - (viii) providing ground related units suitable for families;
 - (ix) providing facilities such as day nurseries for community use;
 - (x) providing more than the minimum number of parking spaces, and allowing public access to the additional spaces.
 - (xi) providing enclosed parking.

The granting of bonuses would be at the discretion of Council, and would be applied on a site-by-site basis. Furthermore, bonusing guidelines should be incorporated into the Central Area Plan (see Recommendation 30).

- this recommendation represents a way in which the City might achieve some of its social policy and urban design objectives, but without imposing further restrictions upon development. Furthermore, the bonusing approach allows for site-by-site negotiations, meaning that new developments can be tailored to the neighbourhood in which they are situated.

7. That the Central Area Plan include a policy supporting in principle the provision of off-site parking as an alternative to on-site parking, in cases where it is not feasible to provide the latter.
 - a lack of on-site parking is an important impediment to the conversion to residential use of downtown commercial buildings, and to the conversion to residential use of the vacant space above store fronts. This recommendation would encourage such conversions in cases where the developer can ensure a supply of parking nearby.
8. That the Central Area Plan include a policy supporting in principle additional neighbourhood and pedestrian oriented commercial uses in residential areas.
 - such commercial uses would help foster a richer street life, and would help to increase social integration.
9. That the Central Area Plan include a policy supporting residential intensification (through conversions and additions) and infilling, and that these terms be defined.
 - residential intensification and infilling can increase the stock of dwelling units, and can help to preserve existing buildings through increasing the economic feasibility of existing structures and properties.
 - this Report also recommends that housing intensification be the subject of a separate study (see Recommendation 24).
10. That the Central Area Plan include a policy supporting the following pattern for multiple residential development:
 - (i) development on the peripheries of neighbourhoods, or else situated on major arterials, should primarily be high density and medium rise, although some high rise should be permitted.
 - (ii) development in the centres of neighbourhoods and not situated on major arterials should be low or medium density, and low or medium rise.

Furthermore, the Central Area Plan should provide definitions of the terms low, medium and high density, and low, medium and high rise. This recommendation, however, does not imply automatic support for any rezoning.

- this recommendation supports a development pattern which recognizes a need for multiple residential development of various heights and densities in the Central Area, but which also reduces the impact of such development upon the interiors of neighbourhoods.

11. That the Central Area Plan include a policy encouraging further high density residential development in the Downtown Core.

- additional housing in the Downtown Core is a desirable objective, because:

- (i) an increase in the resident population would increase the financial viability of retail facilities and would increase public safety, through ensuring that the Downtown does not become deserted in the evening;

- (ii) households without access to private transportation benefit from living downtown, because of the concentration of employment opportunities, retail facilities and social services in the Downtown, and because the Downtown represents the hub of the public transportation system;

- (iii) These same factors would decrease the number of automobiles other households would need to own.

12. That the Central Area Plan include a policy supporting the principle of density transfers from one site to a nearby site, as a way to facilitate the preservation of a heritage buildings upon the former.

- density transfers represent one way in which buildings of historical and/or architectural merit may be saved from demolition.

13. That the Central Area Plan include a policy supporting in certain cases the development for residential purposes of:

- (i) the vacant areas which exist at ground level under certain apartment buildings;
- (ii) portions of the landscaped areas of existing apartment buildings.

- these measures would help to increase the housing stock, and could also lead to an improvements in streetscapes, if new development is compatible with existing development.

14. That the Central Area Plan include a policy supporting the elimination of the side yard requirement in situations where a building on a neighbouring property is built out to the lot line, and does not have a window of a habitable room facing the subject property, provided that any new building is of a scale and height compatible with that which is adjacent.

- this would permit the extention of continuous development along a street, thus enhancing exisiting streetscapes.

15. That the Central Area Plan include a policy in which front yard requirements for structures may be based on the setbacks of building in the same block. This would apply to new buildings with facades compatible in terms of height with the facades of existing buildings on the street.

- this would remove the requirement for large front yards in blocks otherwise occupied by structures situated close to the street, and therefore would help create more compatible streetscapes and a more urban environment.

16. That the Durand Neighbourhood Plan be modified in consultation with the Durand Neighbourhood Plan Implementation Committee:

- (i) to develop new policies and designations for areas currently zoned for high density residential development;
- (ii) to permit additional neighbourhood-oriented commercial uses in the neighbourhood residential areas.

- it is desirable that the Durand Neighbourhood Plan reflect the recommendations contained in this Report. It is evident, however, that consultation is necessary, because certain recommendations on commercial and high density residential development outlined herein are not reflected in the Neighbourhood Plan.
 - in the preparation of the Durand Neighbourhood Plan, the designation of those parts of "Durand" within the "E" Zones was deferred until the completion of the High Density Residential Development Study.
17. That established neighbourhood associations be circulated proposed zoning applications and Committee of Adjustment applications.
- participation by neighbourhood associations could reduce confrontations between the community and the development industries, and could encourage negotiations leading to buildings which are more compatible with existing development.

ZONING

18. That new multiple residential zoning categories be established that would have the following characteristics:

- (i) reduced required side and rear yards;
- (ii) front yards related to the setbacks of buildings on adjacent properties;
- (iii) reduced landscaping requirements;
- (iv) no landscaping bonus;
- (v) reduced building height;

These three zones would have height and density provisions in the range of the following:

- Zone "A": 4 storey maximum, 2.0 floor area/lot area ratio.
- Zone "B": 6 storey maximum, 3.0 floor area/lot area ratio.
- Zone "C": 8 storey maximum, 4.0 floor area/lot area ratio.

These zones may be applied to new areas to be rezoned for multiple residential development. Furthermore, the owners of Central Area lands within the "E", "E-1" and "E-3" Zones would be permitted to develop their property in line with the above provisions on the following basis:

- (i) lands zoned "E" could be developed according to the standards of Zone "A";
- (ii) lands zoned "E-1" also could be developed according to the standards of Zone "A";
- (iii) lands zoned "E-3" could be developed according to the standards of Zone "B".
- this recommendation would permit development which is high density, but low or medium rise. Such development currently is discouraged by the provisions of the "E" Zones.

19. That the Zoning Bylaw be amended to eliminate the current requirement that a Class "A" dwelling unit created through conversion must have an area of at least 65 m. sq.

- this would encourage the creation of additional dwelling units through conversion, thus increasing the Central Area housing stock.
- at present, the 65 m. sq. standard only applies to apartment units created through conversion. This standard does not apply to apartments in new buildings.
- the provisions of the Building Code, along with market conditions, should be seen to be sufficient to determine unit size.

20. That the Zoning Bylaw be amended to eliminate the width requirement for all multiple residential zones, in the Central Area.

- this would permit the creation of one or more new building lots in the interior of a block, with the only frontage on a public street being the required minimum of 4.5 m. (needed for an access lane).
- at present, it is difficult to create such lots, because the minimum required width (15 m. in the "E" Zones) must be achieved within 9 m. of a public street. This means that in cases where separate lots are maintained around the periphery of a block,

some of these lots must have a depth of less than this 9 m. figure. Thus, the development of the interior of a block currently only is possible where that area is part of a lot with extensive frontage on a public street.

21. That the Zoning Bylaw be amended to reduce the minimum required lot size to 360 m. sq. for all residential zones within the Central Area.
 - the present minimum required lot sizes (e.g. 450 m. sq. in the "E-3" Zone) prevents the creation of new lots of a size currently occupied by many row houses and small single family homes in the Central Area. This measure therefore would permit the construction of housing of a type and scale compatible with much existing development.
 - furthermore, this measure would increase the number of cases where the rear portions of existing lots could be legally severed, through reducing the required size of the the front portions. The severed portions then could be used as separate building lots (if greater than 360 m. sq.), or else could be assembled to create a new building lot in the centre of the block (see Recommendation 20).
22. That the Zoning Bylaw be amended to permit a portion of the landscaped area to be situated on rooftops or terraces.
 - allowing landscaping in areas other than at grade would permit more intensive urban development, while retaining the same amount of greenspace.

OTHER REGULATIONS

23. That as part of the site plan approval process, a brief impact statement be employed, for the purpose of reviewing the impact of new multiple residential developments in the Central Area, with regards to:
 - (i) streetscape compatibility (building heights, front and side yard setbacks etc.);
 - (ii) shadow casting;
 - (iii) wind effects;
 - (iv) views and vistas;
 - (v) traffic.

- this recommendation would make both the developer and the City aware of the urban design issues associated with a particular project. Any negotiations subsequently could proceed on the basis of this information.

DEPARTMENT INITIATIVES

24. That the Planning Department carry out a housing intensification study, with special emphasis of the Central Area (see also Recommendation 9).

- such a study would investigate ways in which the Zoning Bylaw and other City regulations could be modified to increase the number of dwelling units created through:

- (i) the subdivision of existing dwelling units;
- (ii) adding onto existing residential structures;
- (iii) converting the vacant space above storefronts;
- (iv) converting commercial, industrial and institutional buildings to residential use.
- (v) other housing intensification initiatives.

- housing intensification represents a way in which the housing stock may be increased without requiring the demolition of existing structures.

25. That the Planning Department review the home occupations permitted in the residential zones within the Central Area, for the purpose of achieving a greater variety of such uses.

- increasing the variety of home occupations permitted in residential areas would help to widen the variety of services available outside of commercial areas, and would encourage housing preservation by allowing a greater variety of uses.

26. That the Planning Department review the variety of commercial uses permitted in the "E" Zones, the type of structures in which such uses are permitted, and the types of conversions which may be permitted, for the purpose of increasing the amount of commercial activity.

- neighbourhoods characterized by a mixture of commercial and residential uses tend to be more vibrant, and to be characterized by a higher level of social integration.

- however, only a narrow range of commercial uses currently are permitted in the "E" Zones, and these are limited to the ground floors of large multiple residential structures. The only exception to this is the "E-1" Zone, where commercial uses also are permitted on the ground floors of converted dwellings.
27. That the Planning Department review the parking situation in the Central Area, for the purpose of determining whether the current parking standard for multiple residential structures in the Central Area is appropriate.
- at present, there is an on-street parking problem in certain parts of the Central Area. It is unclear, however, whether the current reduction in the parking requirement for multiple residential buildings in the Central Area is a contributing factor.
28. That the Planning Department review the "Cash-in-lieu-of-parking" Program, for the purpose of determining whether the program should be extended to residential development.
- This extension of the program would encourage residential development in cases where it is not feasible to provide sufficient parking (e.g. converted commercial buildings in the downtown). In exchange for cash payments, the City could provide the necessary parking, either in surface lots, or in parking structures. For this recommendation to work, it would be necessary to ensure that parking financed through a residential cash-in-lieu program is situated in the vicinity of the related residential development.
29. That the Planning Department review the regulations associated with the Zoning categories found in the Downtown Core and develop new incentives, for the purpose of encouraging more housing in that part of the City.
- additional housing in the Downtown Core is seen to be a desirable objective. At present, however, the provisions of the "H" and "HI" Zones impose strict limitations upon residential development in mixed use buildings, and prohibit many forms of housing, including multiple residential structures. Moreover, the "J" and "JJ" Zones prohibit residential uses altogether.

30. That the Planning Department prepare guidelines for the operation of the bonusing system which this Report recommends be incorporated into the Central Area Plan (see Recommendation 6). These guidelines would be used as a basis for decisions by the Committee of Adjustment and Council.

- the establishment of a bonusing system, in which a developer would be offered an increase in the permitted floor area/lot area ratio, reduced setbacks and/or reduced landscaping in exchange for certain concessions represents a way for the City to achieve some of its social policy and urban design objectives. At the same time, however, such a system would have to be devised carefully and implemented with caution, to ensure that the City does not give up too much in exchange for little.

31. That the Planning Department conduct a study for the purpose of establishing shadow casting and wind effect guidelines, and to determine the height and scale of buildings to which these guidelines should apply.

- this study would lead to guidelines that would help produce development that minimizes shadow and wind effects upon nearby properties and public areas.

32. That the Planning Department identify those key natural and manmade features the views of which are worthy of preservation. The study should also identify the "view corridors" associated with these features, and should produce guidelines that would encourage appropriate development within these corridors.

- this study would encourage development which preserves important views within the Central Area.

33. That the Planning Department and citizen committees consider the need for more high density housing in the preparation of the neighbourhood plans for Corktown, Central, Beasley, North End East and North End West.

- if the recommendations in this report and the housing policies of the Central Area Plan are to be implemented, they should be reflected in these neighbourhood plans.
- involvement by citizen committees represents one way to increase the stock of land available for high density housing without stimulating significant community opposition.

CITY DEVELOPMENT INITIATIVES

34. That the City expand the current Development Incentives Program, by preparing additional planning briefs for publicly owned underutilized lands in the Central Area, for the purpose of developing those lands for housing.

- at present, there is a significant amount of land in the Central Area which is lying vacant, or, more commonly, being used for parking. A number of these sites would be appropriate for high density housing. Such sites could be sold to private developers, with a commitment that the resulting developments would help meet some of the City's social policy and urban design objectives. Any reductions to the stock of public parking could be met through the construction of parking structures on other sites, or through the incorporation of public parking into the developments in question.
- a pilot project by the Development Incentives Sub-Committee currently is examining the block bounded by Queen, Peter, Hess and Napier Streets.
- the recently approved Central Business District Study will provide further guidance in this area.

APPROACHES TO PROPERTY OWNERS

35. That the owners of the property shown on Map 3 be approached with the objective of modifying the zoning in order to encourage new development which would be in character with existing development, on the following basis:

- (i) the Durand Neighbourhood Plan Implementation Committee should be responsible for approaches in the Durand Neighbourhood;
- (ii) a pilot project should be selected by the Durand Neighbourhood Plan Implementation Committee;
- (iii) the possibility of establishing a heritage district should be considered;
- (iv) the right of the owners of adjacent properties to build up to the heights to which they are now entitled would not be affected.

- this recommendation would encourage rezonings that would encourage the preservation of historical structures and streetscapes, but that do not require the City to rezone private property against the will of the owner.

36. That the City increase the awareness of the owners of large underutilized parcels of land in the Central Area regarding the fact that the City supports the development of many such sites for high density housing, and is willing to adopt a flexible approach to development in order to meet this objective.

- it is possible that certain parcels have not been developed for high density housing because the existing Neighbourhood Plans and the Zoning Bylaw discourage or prohibit this use, and as a result the owner has come to the conclusion that the City would not support residential development upon them.

STAFF

37. That sufficient staff be made available to undertake the initiatives outlined in this report, and to speed up the processing of development applications.

- it is essential to have the necessary personnel to implement the recommendations of this report, and to ensure that residential development is not slowed down due to staff shortages in City Hall.

FOR ACTION

13.

REPORT TO: Planning and Development Committee

FROM: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

DATE: 1988 March 25

COMM FILE:

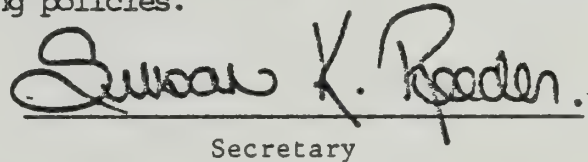
DEPT FILE:

SUBJECT:

Administering lot grading as per the recommendations of the Task Force on Lot Grading approved by City Council on 1988 February 23rd.

RECOMMENDATION

That Staff be directed to compile a Report on the Administrative and Budget requirements needed to comply with the enforcement of the City of Hamilton's recently approved Lot Grading policies.


Secretary

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

N/A

BACKGROUND

As members of the Committee are aware, City Council at its meeting held Tuesday, 1988 February 23rd APPROVED Section 1 of the FOURTH Report for 1988 of the Planning and Development Committee respecting Lot Grading in the City of Hamilton as follows:

1988 March 25

Planning and Development Committee

Page 2

Continued

- (a) That City Council reconfirm and petition the Premier of Ontario to effect an amendment to The Ontario Building Code to control all retaining walls exceeding 1 metre in height.
- (b) That the City of Hamilton's Property Standards By-law be amended to include the control of all retaining walls, and that the City Solicitor be authorized and directed to prepare the amending By-law for Council's approval.
- (c) That the subdivider shall complete the grading for single and two family housing lots within 6 months of the insulation inspection approval by the Building Commissioner. If the 6 month period after the insulation inspection approval date falls after November 1st and before June 15 following, then the grading shall be completed by June 15 of the same year as the said June 15 falls.
- (d) That where the grading has not been completed to the satisfaction of the City at the required dates then the City shall take the appropriate action under Section 8 - "Grading of Lots" the City Subdivision Agreement.
- (e) That the subdivider may supply the City with a certificate signed by a professional engineer as proof that the grading has been completed. The City, upon receipt of the above, may inspect the site and within 4 weeks of receipt of the certificate, release the subdivider of his obligations or reject the certificate.
- (f) That the owner of the given lot shall not be permitted to alter the grading of his lot, once completed to the satisfaction of the City. This section shall however, not prevent the owner from undertaking improvement to his lot as long as these do not interfere with adjacent drainage and grading. If an owner of a lot does alter his/her lot to the extent of interfering with the completion of the adjacent lot or lots, then, the City may do the work necessary on the contravening lot to permit adequate grading of adjacent lands and collect the cost from the owner of the contravening lot.
- (g) That Section 8 - "Grading of Lots" - City Subdivision Agreement be amended by adding "grading" to the required services.

Continued

- (h) That restrictive covenants be registered on title on all new homes requiring compliance with the Grading Plan, as amended.

NOTE: This registering on title will place the responsibility of maintaining the Grading Plan with the home owner.

- c.c. - Alderman H. Merling, Chairman
Task Force on Lot Grading
- Mr. P. Kuppe, Building Commissioner
Attention: Mr. L. King
- Mr. J. R. G. Leach, Regional Engineering Commissioner
Attention: Mr. K. Brenner

FOR ACTION

14.

REPORT TO: SUSAN REEDER, ACTING SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 March 8
COMM FILE:
DEPT. FILE: ZA-88-01
McQUESTEN EAST
NEIGHBOURHOOD

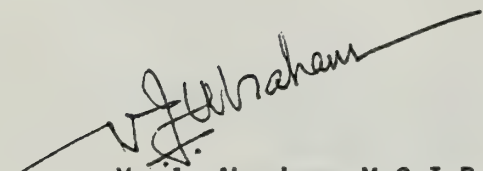
SUBJECT:

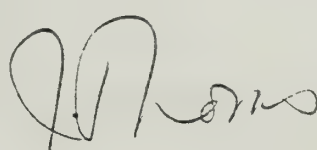
Request for a modification to the zoning at No. 333 Waverly Street.

RECOMMENDATION

(a) That Zoning Application 88-01, 684553 Ontario Ltd. (N. J. Pinelli), prospective owner, requesting a modification to the "C" (Urban Protected Residential, etc.) District, to permit the redevelopment of the subject lands for a two-family dwelling, for the property located at No. 333 Waverly Street, be denied for the following reasons:

- i) it represents an overintensification of land use since variances are required to lot width, lot area, location of required parking and side yards;
- ii) it would be out of character with the surrounding single-family dwellings both in terms of size and bulk; since the surrounding development is predominantly 1 to 1 1/2 storey single family dwellings and the applicant proposes a 2 1/2 storey semi detached dwelling and,
- iii) it would set an undesirable precedent for future similar redevelopment applications.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

FINANCIAL IMPLICATIONS

N/A.

BACKGROUND

The applicant has applied to the Region to close and subsequently, purchase the public assumed alleyway abutting the lands to the north. He would acquire an additional 1.8m (6 ft) to create a lot frontage of 15.5 m (51 ft) (see APPENDIX "B"). His request will go to the Transport and Environment Committee in a few months time.

APPLICANT

684553 Ontario Ltd. (N. J. Pinelli), prospective owner.

LOT SIZE AND AREA

- o 13.72 m (45 feet) of lot frontage;
- o 30.48 m (100 feet) of lot depth; and,
- o 418.05 m² (4,500 square feet) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Vacant Single-Family Dwelling	"C" (Urban Protected Residential, etc.) District
<u>Surrounding Lands</u>		
to the north, south, east and west	Single-Family Dwellings	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN

The subject lands are designated "Residential" on Schedule "A". The proposal complies.

NEIGHBOURHOOD PLAN

There is no approved plan for the McQuesten East Neighbourhood.

COMMENTS RECEIVED

- o The Hamilton Region Conservation Authority Department has no objections.
- o The Hamilton-Wentworth Engineering Department advised in part that:
"...According to our records, the alley to the rear and adjacent to the subject lands in the public assumed" (see attached letter for full comments.)
- o The Traffic Department has advised that:
"...off-street parking be provided in accordance with the Zoning By-law and the plans be modified to relocate the parking spaces."
- o The Building Department has advised in part that:
 - "1. The parking spaces are not permitted in the front yard.
 - 2. The proposed building, as shown on the plan, appears to be too close to side lot lines."

COMMENTS

1. The proposal complies with the Official Plan.
2. There is no approved plan for the McQuesten East Neighbourhood.
3. The redevelopment of the site for a two-family dwelling represents an over-intensification of land use since several variances would be required to permit the proposal:

	<u>Requirements of Zoning By-law</u>	<u>Proposed Two-Family Dwelling</u>
Lot width	18 m	13.7 m
Lot area	540 m ²	418.05 m ²
Side yard	1.2 m	0.9 m
Required parking spaces not permitted in the front yard		

If the applicant acquired an additional 1.8m to the north through the closure of the alleyway, variances would still be required. They are as follows:

	<u>Requirements of Zoning By-law</u>	<u>Proposed Two-Family Dwelling</u>
Lot width	18 m	15.5 m
Lot area	540 m ²	473.79 m ²
Required parking spaces not permitted in the front yard		

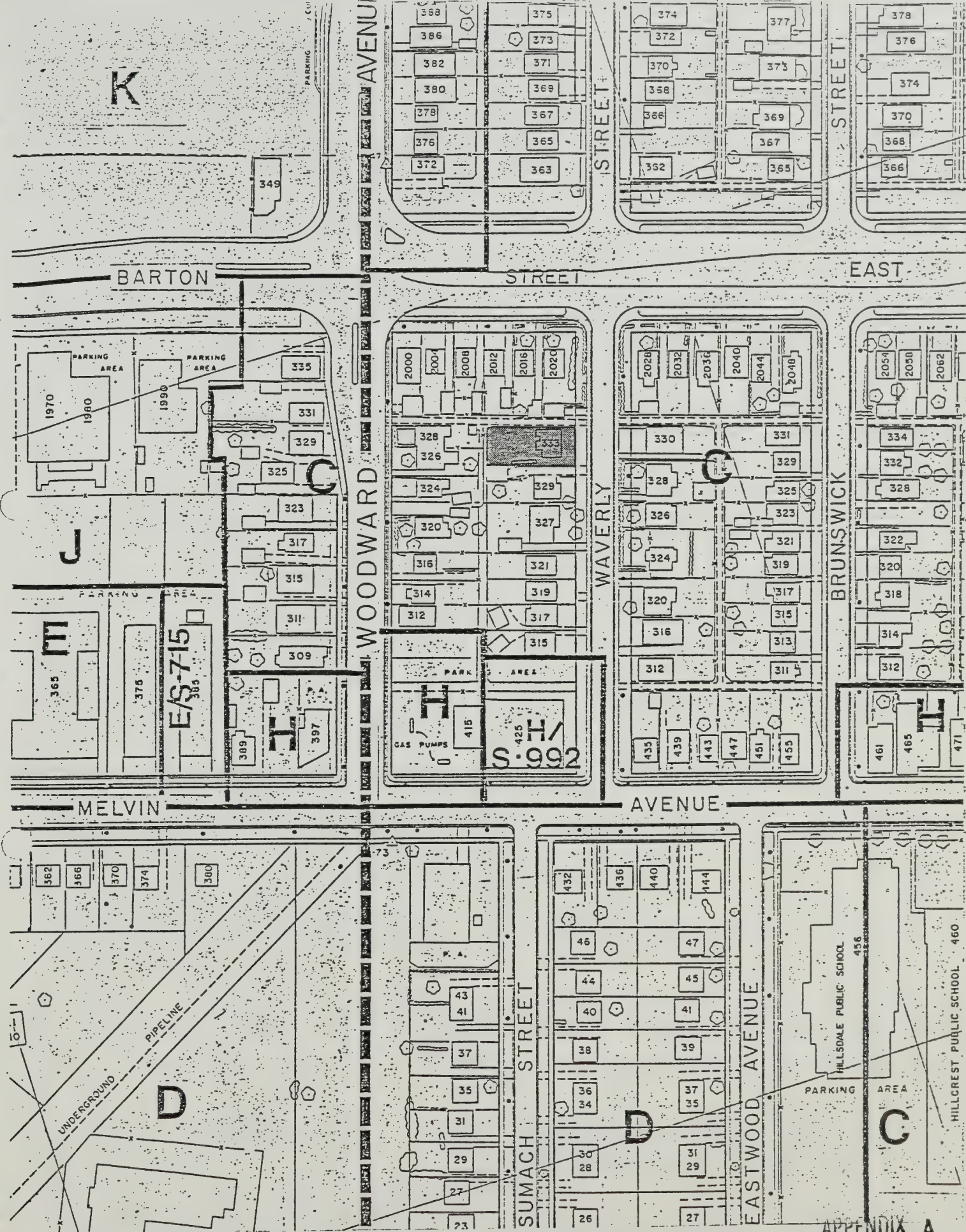
On this basis, the application still could not be supported.

4. It would be out of character with the adjacent single-family dwellings both in terms of size and bulk. The surrounding development is predominantly 1 to 1-1/2 storey dwellings and the applicant proposes a 2-1/2 storey semi-detached dwelling.
5. It would set an undesirable precedent for future similar redevelopment applications.

CONCLUSION

Based on the foregoing, the proposal cannot be supported.

JH:ma
0118P



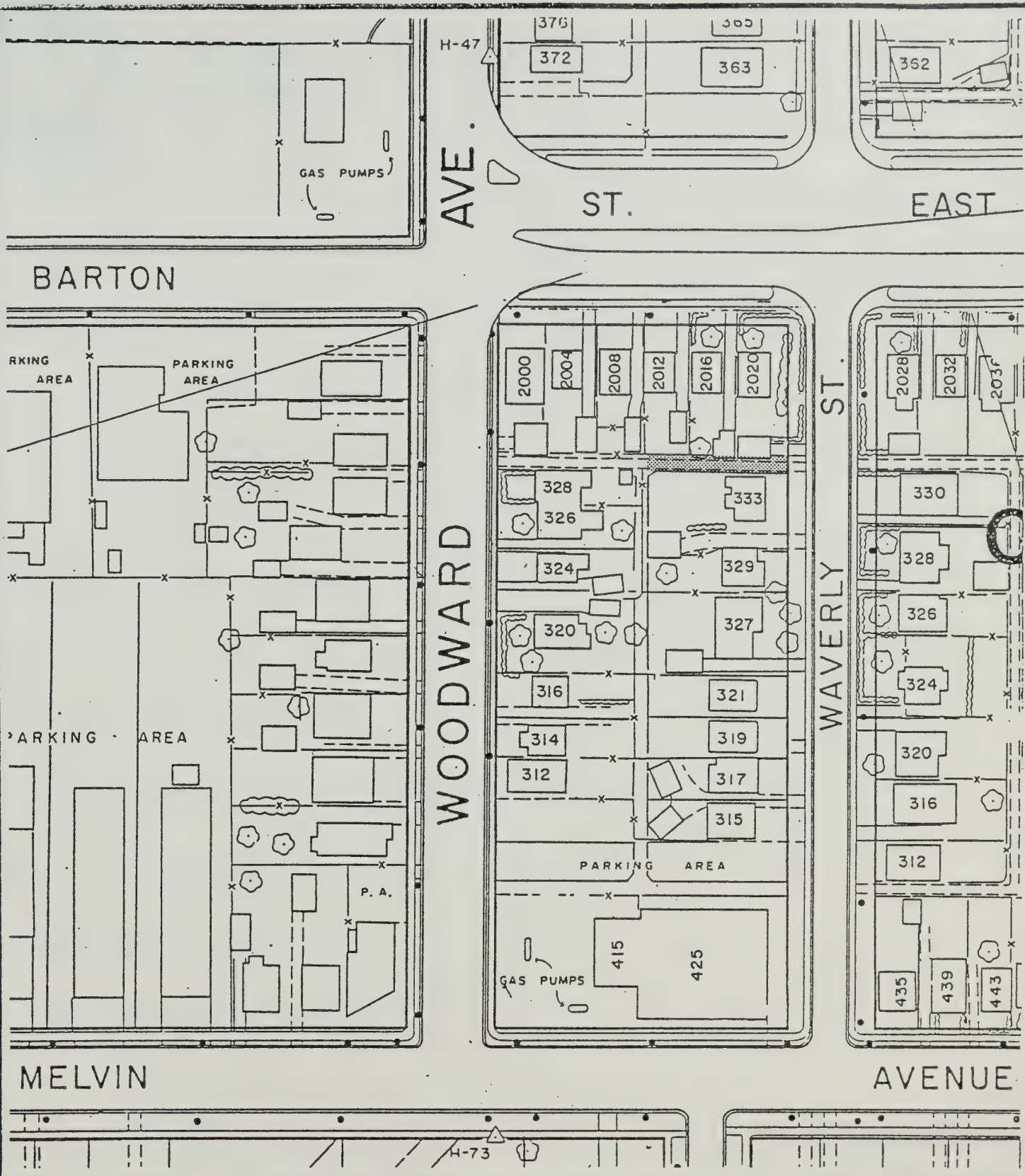
LEGEND

SITE OF THE APPLICATION.

APPENDIX A




ZA88-01



PROPOSED ALLEY CLOSURE

REGIONAL MUNICIPALITY OF HAMILTON - WENTWORTH
DEPARTMENT OF ENGINEERING


LEGEND

 LOCATION OF PROPOSED ALLEY CLOSURE

APPENDIX B

SCALE
1" = 100'

FILE NO.
T103-03(234)

NORTH




THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Department of Engineering

71 Main Street West, Hamilton, Ont. L8N 3T4

File No.		Received	
L8N 3T4		(416) 526-4170	
TO	STAFF INIT.	INFO.	ACT.
DIR.			
DEPT. A.			
NEIGH.			
DEV.	SE		
S.A.V.D.			
S.T.A.L.E.	JH / M		
ADMIN.			

1988

I.D. #0068D (49)

February 18, 1988

TO: V.J. Abraham, Planning Department
FROM: K.A. Brenner, Engineering Department

RE: Zoning Application 88-01 for a modification to "C"
regulations for property at 333 Waverly Street

Refer to File No. E220-1301
Attention of T.L. Hearn
Your File No. ZA-88-01

Please be advised the public watermains as well as combined storm and sanitary sewers are available to service the subject lands.

We do not anticipate any further road allowance widenings at this time.

Any work within the Waverly Street road allowance must conform to the City of Hamilton Streets By-Law.

With respect to access considerations, comments should be obtained from the City of Hamilton Traffic Department.

According to our records, the alley to the rear and adjacent to the subject lands is public unassumed.

TLH:tlj

cc: M. Main, Director
City of Hamilton Traffic Department

FOR ACTION

15.

REPORT TO: SUSAN REEDER, ACTING SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 March 17
COMM FILE:
DEPT. FILE: ZA-88-04
Normanhurst
Neighbourhood

SUBJECT:

Modification to the established "H" (Community Shopping and Commercial etc.)
District regulations - 114 Melvin Avenue.

RECOMMENDATION

(a) That approval be given to Zoning Application ZA-88-04, Melan Balac, owner, requesting a modification to the established "H" (Community Shopping and Commercial, etc.) District regulations applicable to property located at No. 114 Melvin Avenue, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593 applicable to the subject lands, be modified to include the following variances as special requirements:
 1. Notwithstanding Section 4(3)(a) of By-law No. 6593 two principal buildings which include a commercial and a residential use shall be permitted;
 2. Notwithstanding Section 14(1)(xvii) of By-law 6593 the existing building located at the rear of No. 114 Melvin Avenue may be used as a wholesale warehouse for the sale and storage of worms;
 3. Notwithstanding Section 14(3)(iii)(c) of By-law No. 6593 a minimum rear yard of 0.45 m shall be permitted;
- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on zoning District Map E-73 be notated S- ;

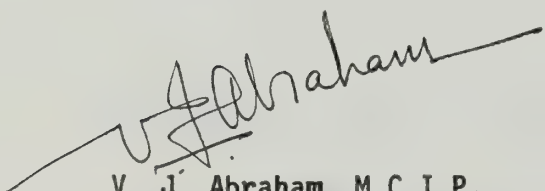
- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-73;
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

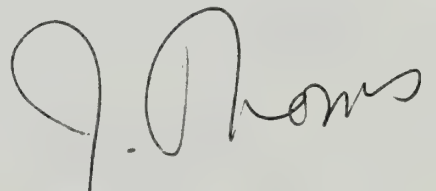
The purpose of the By-law is to provide for a modification to the established "H" (Community Shopping and Commercial, etc.) District regulations applicable to property at No. 114 Melvin Avenue, as shown on the attached map marked as APPENDIX "A".

The effect of the By-Law is as follows:

1. To permit two principal buildings and uses on the same lot whereas Section 4(3)(a) of the Zoning By-Law, only permits one principal building and one principal use on the lot.
2. To permit the existing building located at the rear of No. 114 Melvin Avenue to be used as a wholesale warehouse for the sale and storage of worms (Section 14(1)(xvii)).
3. To permit a minimum rear yard of 0.45 m (1.5 ft) instead of 4.5 m (14.76 ft) required for the second principal building located on the lot (Section 14(3)(iii)(c)).



V. J. Abraham, M.C.I.P.
Director of Local Planning



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

The property in question is currently occupied by a single-family dwelling and a large storage garage. The garage is used to store the bait in a controlled atmosphere. An outdoor storage bin containing loam is situated between the

house and the storage garage. A recent site inspection of the property revealed that the basic residential character of the dwelling has been maintained. On September 25, 1987 the Building Department issued an Order to Comply with respect to the use of the garage as a warehouse which is not a permitted use within the "H" District.

Applicant: Milan Balac, owner

LOT SIZE AND AREA

- 10.668 m (35.0 ft) of lot frontage on Melvin Avenue;
- 30.48 m (100.0 ft) of lot depth; and,
- 325.15 m² (3,500 sq ft) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	a single-family dwelling and an accessory masonry garage used for warehousing wholesaling, and packaging of worms used for bait.	"H" (Community Shopping and Commercial, etc.) District
<u>Surrounding Lands</u>		
to the north	a commercial/residential use and single-family dwellings.	"H" (Community Shopping and Commercial, etc.) District.
to the south	single-family dwellings	"C" (Urban Protected Residential, etc.) District
to the east	a commercial use, a Credit Union office and single-family dwellings	"H" (Community Shopping and Commercial, etc.) District and "C" (Urban Protected Residential, etc.) District
to the west	Commercial uses, a 6 plex and a commercial/residential use	"H" (Community Shopping and Commercial, etc.) District and "C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN

Designated "Commercial", the proposal complies.

NEIGHBOURHOOD PLAN

Designated "Commercial", the proposal complies.

COMMENTS RECEIVED

- The Building Department has advised that:

"The owner of this property was advised by this Department that he could not use the proposed building for a worm warehouse and business before he applied for a permit.

The building application and building permit which was issued both state the use of the building for the parking of automobiles for a single-family dwelling (see attached copies).

In September, 1987 during an inspection it was revealed that the garage was 70% complete with a compressor in the roof area. Two-thirds of the garage was being used as a cooler warehouse and the remaining one-third for packaging and shipping of worms.

The building in question is 28' x 32' (896 square feet) in size and approximately 13' high. The black loam used for the worms is stored in the neighbour's back yard. This type of use is only permitted in industrial zoning districts.

The Building Inspector has been to the property four times. On two occasions he spoke with the owner and explained to him that the use was not permitted.

The owner has completely ignored the meetings with the Building Inspector and an Order to Comply sent September 25, 1987 as well as a letter dated December 7, 1987 and has carried on with business..."

- The Traffic Department, Hamilton Region Conservation Authority, Local Architectural Conservation Advisory Committee Staff have no comments or objections.
- The Hamilton Wentworth Engineering Department has advised that:

"...public watermains as well as storm and sanitary sewers are available to service the subject lands.

Any work within the Melvin avenue road allowance must conform to the City of Hamilton's Streets By-laws.

However, we advise that consideration be given to some sight distance for vehicles entering the alley from the adjacent lands.

The alley to the rear of the lands is public unassumed. The City cannot guarantee free and clear access to these lands from the alley".

COMMENTS

1. The proposal complies with the Official Plan.
2. The proposal complies with the approved Normanhurst Neighbourhood Plan.
3. Approval of the application would involve the following By-Law variances:

- To permit two principal buildings and uses on the same lot within the "H" District, (Section 4(3)(a)). As both uses and buildings are already established and are being used, the requested variance can be supported.
- To permit the existing garage to be used as a wholesale warehouse and for the storage of worms (Section 14(1)(xvii)).

The applicant has operated from the warehouse and sold bait on a wholesale basis since September of 1987. As the use is low keyed in nature and has minimal impact on established development in this area, the requested variance can be support.

- To permit a minimum rear yard of 0.45 m (1.5 ft) as opposed to a minimum of 4.5 m (14.76 ft) required for the second principal building located on the lot (Section 14(3)(iii)(c)). By changing the status of the existing accessory garage building to that of a second principal building (wholesale storage warehouse), used in conjunction with the business operated from the existing dwelling, a rear yard of 4.5 m (14.76 ft) would be required. Because both buildings already exist the yard requirement cannot be satisfied. Therefore, the variance is considered minor in nature and can be supported.
4. The proposal has merit and can be supported for the following reasons:
 - The use is low keyed in nature, does not emit any noise, dust odors, etc. to the atmosphere, and should not impact on existing development in the area;
 - Except for the large size warehouse/garage located in the rear yard, the property still retains its residential appearance.

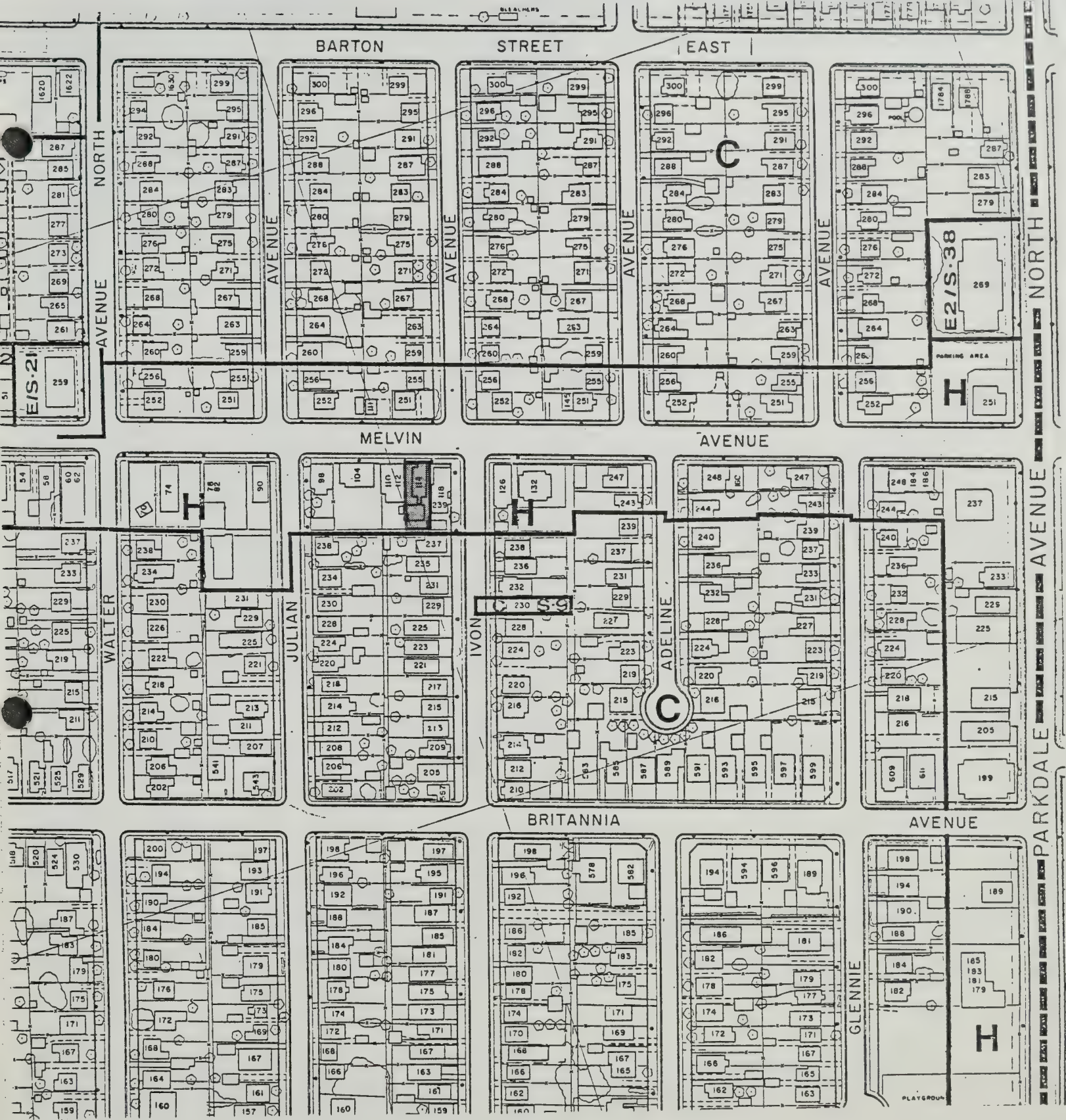
- The business is a family run operation which involves picking-up of worms from worm pickers hired by the applicant and located in the field. The worms are then brought to the site and stored in a controlled atmosphere until sold on a wholesale basis, packaged and shipped out by truck.
- The applicant does not sell at the retail level so little traffic is generated on site.
- Off-street parking can be provided for the truck and at least two cars.
- The only sign required is a small window sign (existing) to advise potential clients of the name of the business.

CONCLUSION

On the basis of the foregoing, the requested modification to the established "H" (Community Shopping and Commercial, etc.) District regulations can be supported.

GW/ma

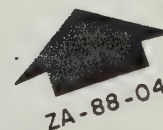
WP0118P



LEGEND



SITE OF THE APPLICATION



ZA-88-04



CITY HALL
HAMILTON, ONTARIO
L8N 3T4

THE CORPORATION OF THE CITY OF HAMILTON

PLANNING AND DEVELOPMENT COMMITTEE

PUBLIC MEETING OF THE PLANNING AND DEVELOPMENT COMMITTEE

Application has been received from M. Balac, owner, for a modification to the established "H" (Community Shopping and Commercial, etc.) District regulations for property at No. 114 Melvin Avenue, as shown on the attached map.

The purpose of the proposed modification is to permit use of the existing garage on the subject property for the storage of worms, used for fishing bait.

The application complies with the City of Hamilton Official Plan.

It is requested that you complete and return the enclosed business reply card indicating your support or opposition to the proposed change. You may also submit additional comments in writing.

The Planning and Development Committee will consider this matter at a Public Meeting to be held in the Council Chamber, City Hall, on Wednesday, March 30, 1988 at 3:00 p.m. and you are invited to attend at that time.

Secretary
Planning and Development Committee

For inquiries, please call
Planning and Development Department
City Hall - 526-4445

:ma
March 11, 1988

PERMIT

TO:	<input type="checkbox"/> ERECT	<input type="checkbox"/> ALTER	<input checked="" type="checkbox"/> ADD	<input type="checkbox"/> DEMOLISH
	<input type="checkbox"/> BUILDING	<input type="checkbox"/> HEATING	<input type="checkbox"/> COOLING	<input type="checkbox"/> PLUMBING
			<input type="checkbox"/> DRAINAGE	

PROPOSED USE	Private Garage	NO. OF UNITS	
--------------	----------------	--------------	--

LOCATION	114	Melvin		
	MUN. NO.	STREET	LOT NUMBER	SIDE N/S/E/W

BETWEEN		AND	
	CROSS STREET		CROSS STREET

OWNER	M. Balac	114 Melvin	Hamilton
	NAME	ADDRESS	CITY

CONSTRUCTOR	M. Balac	114 Melvin	Hamilton
	NAME	ADDRESS	CITY

DESIGNER			
	NAME	ADDRESS	CITY

	NAME	ADDRESS	CITY

	NAME	ADDRESS	CITY

	NAME	ADDRESS	CITY

	NAME	ADDRESS	CITY

	NAME	ADDRESS	CITY

SCOPE OF WORK:	
----------------	--

Erect a 28'0" x 32'0" private masonry garage in the rear yard - not over 13.12' high and at least 1.48' from the rear and side lot lines. The garage is for parking of automobiles for a single family dwelling.

TAG NO. 62672

PLAN No. M-26-87

OCCUPANCY CLASSIFICATION/S		CONSTRUCTION TYPE	
<input type="checkbox"/> GROUP A - ASSEMBLY	<input checked="" type="checkbox"/> GROUP C - RESIDENTIAL	<input type="checkbox"/> COMBUSTIBLE	
<input type="checkbox"/> DIVISION 1	<input type="checkbox"/> GROUP D - BUSINESS AND PERSONAL SERVICE	<input type="checkbox"/> NON-COMBUSTIBLE	
<input type="checkbox"/> DIVISION 2	<input type="checkbox"/> GROUP E - MERCANTILE	P. RT.9 <input type="checkbox"/>	PART 1 <input type="checkbox"/>
<input type="checkbox"/> DIVISION 3	<input type="checkbox"/> GROUP F - INDUSTRIAL		
<input type="checkbox"/> DIVISION 4	<input type="checkbox"/> DIVISION 1	ZONING DISTRICT H	MAP No. E73
<input type="checkbox"/> GROUP B - INSTITUTIONAL	<input type="checkbox"/> DIVISION 2	REQUIRED YARDS	
<input type="checkbox"/> DIVISION 1	<input type="checkbox"/> DIVISION 3	S.Y. .45m	R.Y. .45m
<input type="checkbox"/> DIVISION 2			
REFERENCE ONTARIO BUILDING CODE			

ESTIMATED COST	\$ 11,000.00
PERMIT FEE	\$ 115.00
RECEIPT No.	942 Feb.25/87
BZ 052806	

FORM No. 367

ISSUED TO	M. Balac
	114 Melvin
	Hamilton, Ontario L8H 2T6
	ON THE AUTHORITY OF BUILDING COMMISSIONER
ISSUED BY	R. Cowell/SB
DATE	March 24, 1987

FILE CONTROL COPY

52806

THE CORPORATION OF THE CITY OF HAMILTON
DEPARTMENT OF BUILDING
HAMILTON, ONTARIO

62672

03/24/87
SB

11-26-87

OFFICE USE ONLY

ESTIMATED COST
OF WORK

\$ 11,000.00

PERMIT FEE

\$ 115.00

SPECIAL
CHARGE☐ YES ☐ NO☐ YES ☐ NO

MAP NO

ZONE

APPROXIMATE

AND AT

RECEIPT

RECEIVED

DATE

APPLICATION FORM

To: ☒ ERECT☐ ALTER☒ ADD☐ DEMOLISH☐ BUILDING☐ HVAC☐ PLUMBING☐ DRAINAGE/
WEEPING TILE☐ SIGNPROPOSED
USE

Parking Garage. For S.F.D. ONLY

LOCATION

114 Melvin

MUNICIPAL NUMBER

STREET

LOT NUMBER

SIDE N-S-E-W

BETWEEN

CROSS STREET

AND

CROSS STREET

OWNER

M. Balac

NAME

114 Melvin

ADDRESS

Ham.

CITY

545-41
184230

PHONE/POSTAL

TENANT

NAME

ADDRESS

CITY

PHONE/POSTAL

GENERAL
CONTRACTOR

Owner

NAME

ADDRESS

CITY

PHONE/POSTAL

DESIGNER

NAME

ADDRESS

CITY

PHONE/POSTAL

HVAC

NAME

ADDRESS

CITY

PHONE/POSTAL

PLUMBING

NAME

ADDRESS

CITY

PHONE/POSTAL

DRAINAGE/
WEEPING
TILE

NAME

ADDRESS

CITY

PHONE/POSTAL

MAR 26 1987

DESCRIPTION OF WORK

LICENCE NHWP
REG NO

COST OF WORK

To Erect a 32'0" X 28' for
Block garage in Rear yard
for storage of vehicles only.

BUILDING

\$

HVAC

\$

PLUMBING

\$

ELECTRICAL

\$

TOTAL

\$

11,000.00



THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS

FILE NO:

ORDER TO COMPLY

ISSUED TO	LOCATION
M. Balac	114 Melvin Avenue
114 Melvin Avenue	Hamilton, Ontario
Hamilton, Ontario	
L8H 2J6	

TAKE NOTICE THAT THE accessory building (garage)
AT THE ABOVE LOCATION IS IN CONTRAVENTION OF THE ACT(S)/REGULATION(S)/BY-LAW(S) AS OUTLINED BELOW:

[illegible]

AND TAKE NOTICE FURTHER THAT YOU AS THE OWNER/CONSTRUCTOR/OR PERSON APPARENTLY IN POSSESSION
ARE HEREBY ORDERED TO COMPLY WITH/WITHIN ~~xxxxxxx~~ thirty (30) days

AND TAKE NOTICE FURTHER THAT IN DEFAULT OF COMPLIANCE WITH THE FOREGOING, YOU WILL BE LIABLE UPON CONVICTION, TO THE PENALTIES PROVIDED BY THE SAID ACT/REGULATION/BY-LAW

REGISTERED MAIL September 25, 1987 P. Gobbo 525-4680 September 25, 1987

RECEIVED BY	DATE	INSPECTOR	DATE
-------------	------	-----------	------

PHONE DIRECT 526-2782
8 AM - 9 AM



THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS

HAMILTON, ONTARIO

December 7, 1987

M. Balac
114 Melvin Avenue
Hamilton, Ontario
L8H 2J6

Dear Sir:

Re: 114 Melvin Avenue
Order to Comply dated September 25, 1987

The requirements of the above Order have not been complied with in the time limit specified.

You are hereby requested to indicate your intention to the Building Department, City Hall, telephone 526-2782 when remedial steps are to be taken by yourself, relating to the Order, forthwith.

Failure to respond to this communication could result in legal action being taken against you without further notice.

Your co-operation is anticipated.

Yours very truly,

P. Kuppe, P. Eng.
Building Commissioner

PG/bt
PG

FOR ACTION

16.

REPORT TO: SUSAN REEDER, ACTING SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 March 22
COMM FILE: ZA-88-07
DEPT. FILE: Gibson
Neighbourhood

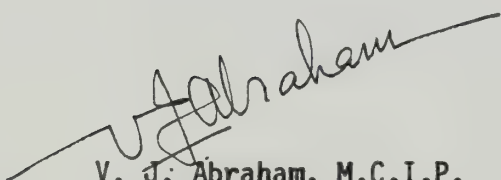
SUBJECT:

Request for a change in zoning for the property located at Nos. 21-71 Sanford Avenue North.

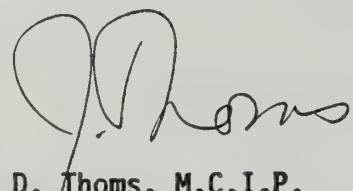
RECOMMENDATIONS

- (a) That approval be given to Zoning Application 88-07, Vaghela Investments, owner requesting a change in zoning from "J" (Light and Limited Heavy Industry) District to "DE-3" (Multiple Dwellings) District, to permit the conversion of the existing vacant industrial building to a 193 unit multiple dwelling (condominium) for the property located at Nos. 21-71 Sanford Avenue North (Block "2"), as shown on the attached map marked as APPENDIX "A", on the following basis:
- i) That the amending By-law apply the holding provisions of Section 35(1) of the Planning Act R.S.O. 1983 to the subject lands, by introducing the holding symbol 'H' as a suffix to the proposed "DE-3" District.
 - ii) That Block "2" be rezoned from "J" (Light and Limited Heavy Industry) District, modified to "DE-3" - 'H' (Multiple Dwellings) District;
 - iii) That the holding provision ('H') be removed by City Council upon completion of a site plan for the proposed development which includes the parking lots located at No. 10 Acorn Street and No. 15 Sanford Avenue South.
 - iv) That the "DE-3" (Multiple Dwellings) District regulations as contained in Section 10C of Zoning By-law No. 6593, applicable to Block "2", be modified to include the following variances as special requirements:
 - 1) That Section 10C(3) shall not apply to the existing buildings;
 - 2) That notwithstanding Section 10C(6), there shall be provided and maintained on the lot and within the district, at least 12% of the lot area shall be landscaped;

- v) That Section 4.(3)(a) shall not apply;
 - vi) That notwithstanding Section 18A.(9), the required parking for the multiple dwelling shall be provided on lots located at No. 10 Acorn Avenue, and No. 15 Sanford Avenue South or on-site;
 - vii) That notwithstanding Section 18A.(1)(C), one loading space (9 m x 3.7 m x 4.3 m) shall be provided on-site;
 - viii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-22 be notated S- ;
 - ix) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-22;
 - x) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
 - xi) That the approved Gibson Neighbourhood plan be amended by redesignating No. 21 Sanford Avenue from "Commercial and Apartments" to "Medium Density Apartments"
 - xii) That the conditions of the Hamilton-Wentworth Engineering Department be satisfied prior to the amending by-law being submitted to City Council for approval.
- b) That Schedule "A" of Site Plan Control By-law 79-275 be amended by adding the properties located at No. 10 Acorn Street and No. 15 Sanford Avenue South, as shown on APPENDIX "B".



V. J. Abraham, M.C.I.P.
Director of Local Planning



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

EXPLANTORY NOTE

The purpose of the By-law is to provide for a change in zoning from "J" (Light and Limited Heavy Industry) District, modified, to "DE-3" - 'H' (Multiple Dwellings) District, modified, for the property located at Nos. 21-71 Sanford Avenue North.

The 'H' refers to a holding symbol which will prohibit the development of the subject lands until a site plan for a proposed development (including the two parking lots on Sanford Avenue South and Acorn Street) is approved by the Planning and Development Committee.

The effect of the By-law is to permit the conversion of the existing vacant industrial building for a 193 unit multiple dwelling (condominium).

In addition, the By-law provides for the following variances:

- o to exempt the existing building from the yard requirements of the "DE-3" District;
- o to permit a minimum landscaped area of 12% instead of the required 25%;
- o to allow 2 principal buildings on the same residential lot whereas only 1 building is permitted;
- o to allow a portion of the required parking spaces to be located off-site instead of on-site on lots located at No. 10 Acorn Avenue and No. 15 Sanford Avenue South.
- o to exempt the development from providing a large loading space whereas the By-law required one large and one small loading space.

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

The applicant intends to convert the existing vacant industrial building for a 193 unit multiple dwelling. Due to site limitations some of required parking must be provided off site. The applicant owns 2 parcels of land at 10 Acorn Street and 15 Sanford Avenue South which will be used for the provision of the required parking.

The two existing commercial uses fronting on King Street East will remain as they are. The only renovations proposed is to excavate underneath No. 733 King Street East for provision of parking.

The applicant has indicated that the cost of the project will exceed \$1,000,000. It will create approximately 50 jobs during the construction and planning period consisting of manpower from the City and Region.

APPLICANT

Vaghela Investments, owner.

LOT SIZE AND AREA

Block "1"

- o 50 m (164.04 ft) of lot frontage on King Street East;

- o 1108 m² (11,926 sq ft) of lot area.

Block "2"

- o 57.89 m² (623.08 sq ft) of lot frontage on King Street East;
- o 9228 m² (99,332.62 sq ft) of lot frontage on Sanford Avenue North.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	commercial, vacant industrial building	"H" (Community Shopping and Commercial etc.) District "J" (Light and Limited Heavy Industry) District
<u>Surrounding Lands</u>		
to the north	commercial and two family dwellings	"D" (Urban Protected Residential-One and Two Family Dwellings, Townhouses, etc.) District
to the south	multiple dwelling	"E-3" (High Density Multiple Dwellings) District
to the east	industry, used car dealership, repair garage	"J" (Light and Limited Heavy Industry) District
to the west	Hamilton Street railway company bus depot	"J" (Light and Limited Heavy Industry) District

OFFICIAL PLAN

The lands located at Nos. 733-735 King Street East and the southern portion of No. 21 Sanford Avenue North are designated "Commercial" on Schedule "A". Both commercial and residential uses are permitted within this designation.

The lands located at the northern half of No. 21 Sanford Avenue North extending north to Wilson Street are designated "Residential" on Schedule "A".

The proposal, in its entirety complies, with the Official Plan.

NEIGHBOURHOOD PLAN

The lands located at Nos. 733-735 King Street East and No. 21 Sanford Avenue North are designated "Commercial" and the lands at No. 51-71 Sanford Avenue North are designated "Medium Density Apartments" in the approved Gibson Neighbourhood Plan.

The proposal complies in part a redesignation from "Commercial and Apartments" to "Medium Density Apartments" for No. 21 Sanford North is required to permit the proposal.

COMMENTS RECEIVED

- o The Building Department has advised that variances are required.
- o The Traffic Department has advised that:

"The application for a change in zoning to permit the proposed residential development is satisfactory. Our review of the submitted plans indicates that a number of parking spaces are substandard in size and are located off site. We recommend that prior to submitting final plans for site plan control the plans be modified to provide parking spaces in accordance with By-law requirements.

In addition, we are concerned that some assurance be provided that the parking spaces located on Acorn Street and Sanford Avenue are continually maintained for the use of the residents of the development."

- o The Hamilton Region Conservation Authority has no objection.
- o The Hamilton-Wentworth Engineering Department has advised that:

"According to the plans submitted, there appears to be a number of encroachments within the adjacent road allowances such as signs and pillars. We recommend that the sign be removed and as a condition of approval, the applicant enter into the appropriate encroachment agreements for the remaining items . . .

It appears that the applicant will have two-way access to King Street, Sanford Avenue and Wilson Street. The distance between the building line and the curb line is 3.048 m + (10 ft.) and motorists entering would do so almost blindly since the driver does not have adequate sight visibility. We recommend a review of the building structure at the access points to determine whether structural improvements can be made to improve sight visibility for the motorists.

The grade of the driveway within the road allowance is not to exceed 3%.

The alley to the rear of the lands at Acorn Street is public unassumed. The north-south alley from Aikman Avenue is public assumed and the east-west portion of the alley adjacent to the parking lot is public unassumed. The City of Hamilton cannot guarantee access to the parking area from the public unassumed alley (see attached letter for full comments).

COMMENTS

1. It is suggested that if the application is approved, it be subject to Section 35(1) of The Planning Act R.S.O. 1983, whereby Council may, in a by-law, use a holding symbol "H" in conjunction with any zoning district.

The holding symbol specifies the use to which lands, building or structures may be put at such time in the future when the holding symbol is removed by amendment to the by-law. The purpose of the holding symbol is to ensure that the proposed parking lots in conjunction with the development are developed to the satisfaction of the Planning and Development and Traffic Departments.

Removal of the holding restriction shall be conditional upon the approval of site plan for the proposed development and passage of an amending By-law. City Council may remove the 'H' symbol, and thereby give effect to the "DE-3" provisions as stipulated in this By-law by enactment of an amending By-law once the site plan has been approved.

2. The proposal complies with the Official Plan.
3. An amendment to the approved Gibson Neighbourhood Plan to redesignate the property located at No. 21 Sanford Avenue North from "Commercial and Apartments" to "Medium Density Apartments" is required to permit the proposal.
4. The proposed redevelopment of the vacant industrial building may be supported for the following reasons:
 - a) it is an excellent re-use of a vacant industrial building;
 - b) it is located on a major collector road.
5. Approval of the application would require the following variances:
 - a) "DE-3" District Regulations
 - o Under the "DE-3" District regulations, the building is required to have specific front, side and rear yards. Since the building is existing, these yards cannot be maintained. As such, a variance can be supported.
 - o The "DE-3" provisions requires that 25% of the lot area be landscaped. However, due to site limitations and location of the existing buildings, only 12% of the lot can be landscaped. Therefore, this variance can be supported.

b) Section 4(3)(a) - Prohibited Uses

- o Under this section, 2 principle buildings are not permitted to locate on the same lot. Since the existing situation involves 2 buildings on the same lot, the variance can be supported.

c) Section 18A - Parking and Loading Requirements

- o Under By-law requirements, all required parking must be provided on site. However, in this case, the applicant owns 2 additional parcels of land (10 Acorn Street and 15 Sanford Avenue South) which he intends to use for parking purposes. The lots are in close proximity to the proposed residential building (across Sanford Avenue and 250 feet south of the development). The proposed amending by-law would require that some of the parking (approximately 111 spaces) be provided on the 2 lots in addition to the 153 spaces which will be provided underground. The variance to allow off-site parking can be supported, since the lots are in easy walking distance of the residential building; and, the site, due to the location of the existing building, does not allow the full complement of required parking to be provided on site.
- o The proposed residential development requires one large and one small loading space due to site limitations. The lot can only accommodate one small space. As such, the variance to allow for only one space can be supported.

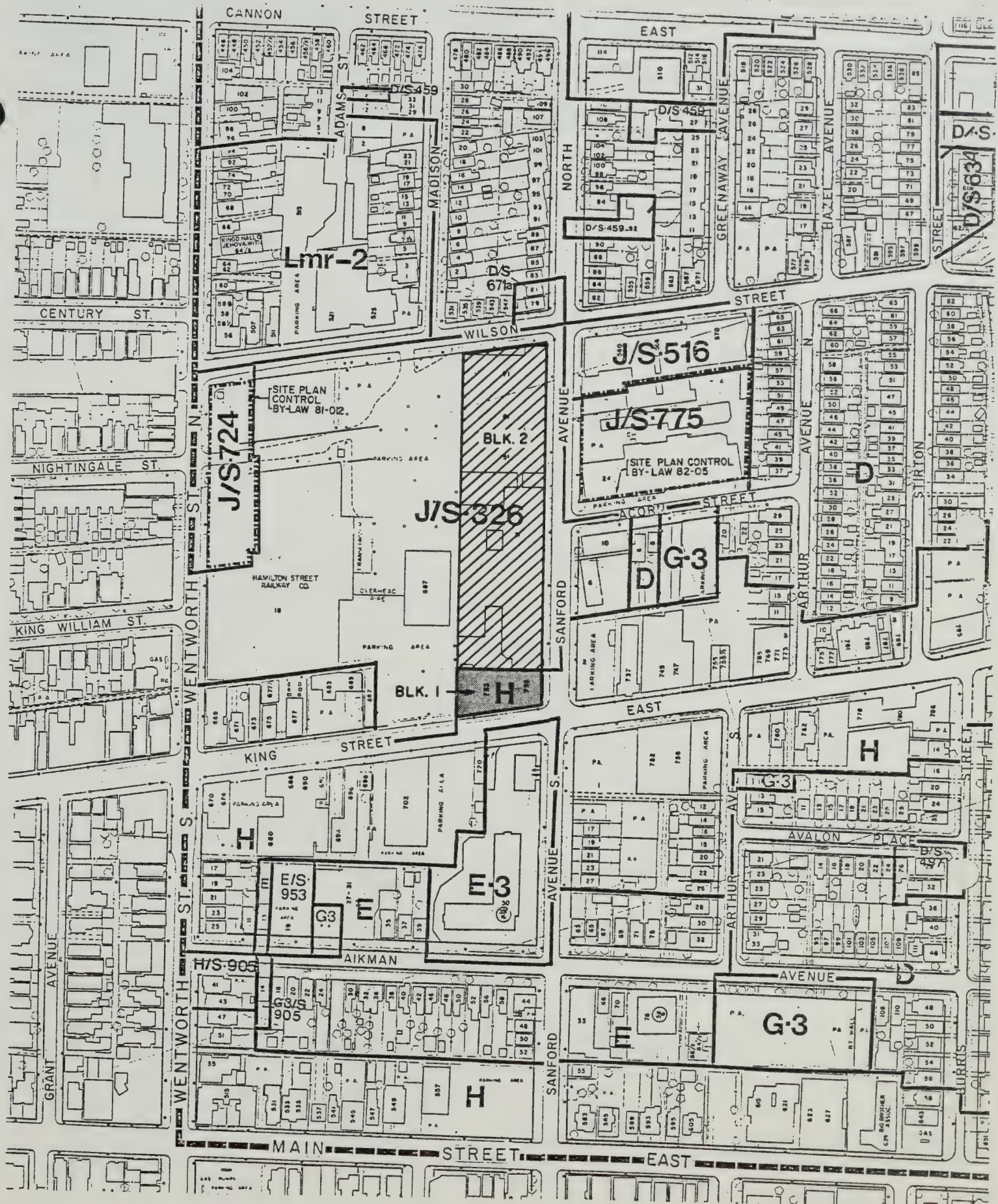
- 6. Under the "DE-3" District regulations, the lands are subject to Site Plan Control By-law 79-275. In addition, since the 2 parking lots (10 Acorn Street and 15 Sanford Avenue South) are an integral part of the development, it is appropriate to place these two sites under Site Plan Control as well. Matters such as access landscaping, parking manoeuvring, etc., will be reviewed during the site plan approval process.

CONCLUSION

Based on the foregoing, the proposal can be supported.

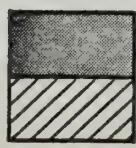
JH/ma

WP 0118P



LEGEND

BLOCK 1



BLOCK 2

SITE OF THE APPLICATION



APPENDIX A



THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Department of Engineering
71 Main Street West, Hamilton, Ont. L8N 3T4 (416) 526-4170

I.D. #0068D (29)

Refer to File No. E220-0701
Attention of T.L. Hearn
Your File No. ZA-88-07

March 17, 1988

TO: V.J. Abraham, Planning Department

FROM: K.A. Brenner, Planning Manager
Engineering Department

RE: Zoning Application ZA-88-07 to change "JS-326" zoning to Permit Development of Condominium Apartments Located At 733-735 King Street East, 21-71 Sanford Avenue North, 10 Acorn Street and 15 Sanford Avenue South, Hamilton

Please be advised that public watermains as well as storm and sanitary sewers are available to service the subject lands. We recommend that any services required for 10 Acorn Street (such as storm sewers, etc.), be installed by way of Sanford Avenue only.

The designated road allowance width of King Street, Wilson Street and Sanford Avenue, is 20.12m (66 ft.). Wilson Street is established at 18.29m (60 ft.) and there may be a future road allowance of approximately 1-2 m to establish the designated width.

According to the plans submitted, there appears to be a number of encroachments within the adjacent road allowances such as signs and pillars. We recommend that the sign be removed and as a condition of approval, the applicant enter into the appropriate encroachment agreements for the remaining items.

It appears that the applicant intends to set the glass window framing and balconies, etc. past the existing buildings. We advise that no portion of any light fixtures, glass framing, balconies, additions, etc., is to encroach into the adjacent road allowances. Comments from the respective utilities should be received as it appears that some may have to be relocated. We also advise that any work within the adjacent road allowances must conform to the respective Streets By-Laws.

Continued ...



Zoning Application ZA-88-07 to change "JS-326" zoning to Permit Development of Condominium Apartments Located At 733-735 King St. East, 21-71 Sanford Avenue North, 10 Acorn Strret and 15 Sanford Avenue South, Hamilton

Continued ...

It appears that the applicant will have two-way access to King Street, Sanford Avenue and Wilson Street. The distance between the building line and the curb line is 3.048 m + (10 ft.) and motorists entering would do so almost blindly since the driver does not have adequate sight visibility. We recommend a review of the building structure at the access points to determine whether structural improvements can be made to improve sight visibility for the motorists.

The grade of the driveway within the road allowance is not to exceed 3%.

The alley to the rear of the lands at Acorn Street is public unassumed. The north-south alley from Aikman Avenue is public assumed and the east-west portion of the alley adjacent to the parking lot is public unassumed. The City of Hamilton cannot guarantee access to the parking area from the public unassumed alley.


 TLH:tlj

17.

FOR ACTION

REPORT TO: Susan K. Reeder
Acting Secretary of the
Planning and Development Committee

FROM: J. D. Thoms
Commissioner
Planning and Development

DATE: March 1, 1988
COMM FILE:
DEPT. FILE: SA-87-20
ZA-87-94

SUBJECT:

1. Application to the Region for approval of a draft plan of subdivision in the Templemead Neighbourhood.
2. Request for change in Zoning - 1515 Upper Gage Avenue.

RECOMMENDATION:

1. Subdivision Application

- a) That approval be given to application SA-87-20, 660555 Ontario Ltd., owner, to establish a plan of subdivision on the east side of Upper Gage Avenue and north of Rymal Road east subject to the following conditions:
 1. That this approval apply to the plan prepared by A. J. Clarke and Associates, dated June 26, 1987, revised to show one block (Block "22") for townhouse development, one block (Block "23") for road widening, a 12m x 12m daylight triangle, three blocks (Blocks "24", "25" and "26") as a 0.3m reserve, one block (Block "27") for development with adjacent lands and 21 lots for street townhouses.
 2. That the owner acquire sufficient land to establish Rita Avenue to its full required width.
 3. That the streets be dedicated as public highways on the final plan.
 4. That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 5. That the final plan conform with the City of Hamilton Zoning By-law.

6. That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.
 7. That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 8. That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
 9. That the dead-end and open side of the road allowance (Block "24") created by the plan be terminated in a 0.3m reserve to be conveyed to the City of Hamilton and to be held by the City until required for the extension of the road allowance and/or development of adjacent lands.
 10. That Block "25" only be developed in conjunction with adjoining lands.
 11. That Rita Avenue align with the adjacent street, and Street "A" align with the mid-block collector street on the west side of Upper Gage Avenue, centreline to centreline.
 12. That the owner shall erect a sign in accordance with Section X of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
 13. That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- b) That a Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-87-20), 660555 Ontario Ltd., owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

2. Zoning Application

- a) That approval be given to Zoning Application 87-94, 660555 Ontario Limited, owner, for a change in zoning from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to "RT-30" (Street Townhouse) District, for property located on the east side of Upper Gage Avenue in the area between Anna Capri Drive and Goldengate Avenue, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the lands described as Block "1" be rezoned from "AA" (Agricultural) District to "RT-30" (Street Townhouse) District;
- ii) That the land described as Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "RT-30" (Street Townhouse) District;
- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-49D;
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- v) That the Templemead Neighbourhood Plan be amended by redesignating the subject lands from "Low Density Apartments to an "Attached Housing" designation.

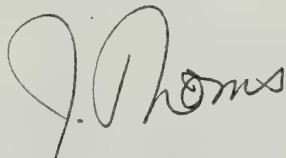
EXPLANATORY NOTE

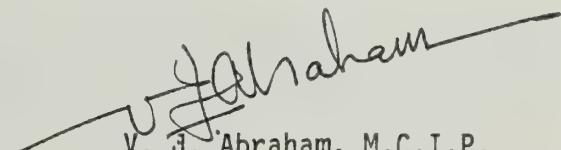
The purpose of the By-law is to provide for the following changes in zoning for property located on the east side of Upper Gage Avenue in the area between Anna Capri Drive and Goldengate Avenue, as shown on the attached map marked as APPENDIX "A".

Block "1" change from "AA" (Agricultural) District
 to "RT-30" (Street Townhouse) District

Block "2" change from "C" (Urban Protected Residential, etc.)
 District to "RT-30" (Street Townhouse) District

The effect of the By-law is to permit development of the subject lands for street townhouses.


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development


V. J. Abraham, M.C.I.P.
Director - Local Planning

BACKGROUND:

Owner:

660555 Ontario Ltd., c/o M. Maravich, Hamilton, Ontario

Surveyor:

A. J. Clarke and Associates, Hamilton, Ontario

Location:

The lands, comprising 1.172 ha, are located on the east side of Upper Gage Avenue and north of Rymal Road East in the Templemead Neighbourhood, City of Hamilton.

Land Use and Zoning:

	Existing Land Use	Existing Zoning
to the north	single-family dwellings and vacant lands	"C": (Urban Protected Residential, etc.), District "RT-10" (Townhouse) District
to the east	vacant lands	"D" (Urban Protected Residential - one and two family dwellings etc.) District
to the south	vacant lands	"D" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District
to the west	single-family dwellings (across Upper Gage Avenue)	"C" (Urban Protected Residential etc.) District

Proposal

The owner proposes to subdivide the lands into 29 lots for street townhouses, a block for a road widening and a daylight triangle.

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Residential and Related Uses" within the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential". The proposal complies.

Neighbourhood Plan - the lands are designated for low density apartments. The proposal requires an amendment to the neighbourhood plan.

Zoning - the lands are zoned "C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District and would require an amendment to the Zoning By-law.

COMMENTS FROM CIRCULATION

The following agencies have advised that they have no comment or objection toward the proposal:

Ministry of Municipal Affairs,
Ministry of Transportation,
Ministry of the Environment (subject to standard conditions for Lots 1-6),
Ministry of Natural Resources,
Ministry of Culture and Communications (subject to standard condition),
Niagara Escarpment Commission,
Hamilton Region Conservation Authority,
Ontario Hydro, Union Gas,
City Building Department (subject to rezoning).

The Hamilton-Wentworth Department of Engineering has submitted the following comments and recommendations:

"FOR INFORMATION:

1. Servicing of all the lands in this subdivision with sewers, is dependent on sewers being installed on Street "A" up to the easterly boundary of this Plan.
2. The subdivision can be serviced from the existing watermains on Upper Gage Avenue.
3. There will be a Region's share for oversized watermains in this subdivision. The estimated Regional cost is \$10,000. There will also be a Regional share for watermains associated with future development adjacent to the east side of Rita Avenue. The estimated cost is \$4,000 and will be recoverable in the future.
4. We do not expect that there will be any Regional share for oversized sewers in this subdivision. However, there will be a Regional share for sewers associated with future development adjacent to the east side of Rita Avenue. The estimated cost is \$15,000 and will be recoverable in the future.
5. The applicant is required to dedicate sufficient lands for road widening purposes, along Upper Gage Avenue to establish the property line at 18.29 metres (60 feet) from the centreline of the original road allowance.

Also, a 12 metre by 12 metre daylight triangle is to be established from the widened limits of Upper Gage Avenue and the proposed Street "A" and not the 9 metre triangle as shown on the Plan.

6. Open sides and dead-ends of the road allowances are to be terminated with 0.3 metre reserves.

7. The mid-block collector street adjacent to Lots 6 to 25 (inclusive) is to align centreline to centreline with the proposed mid-block collector street on the west side of Upper Gage Avenue.
8. The mid-block collector street (Street "A") adjacent to Lots 6 to 25 (inclusive), is to be established at 26 metres in width extending from Upper Gage Avenue to Rita Avenue.
9. We recommend that Rita Avenue align centreline to centreline with the street which is either existing or which may have been draft approved to the north of this plan.
10. We recommend that Rita Avenue be established to its full width (20.12 metres) prior to or in conjunction with the registration of the Lots fronting on this street.
11. We recommend that the centreline radius of Rita Avenue, adjacent to Lots 28 and 29, is to be revised to 110 metres in order to comply with our geometric roadway design standards.
12. The Developer is to enter into subdivision agreements with both the City of Hamilton and the Region of Hamilton-Wentworth prior to the development of any portion of the subject lands.
13. The submitted plan as prepared by A. J. Clarke O.L.S. and dated June 26, 1987 is satisfactory to the Department of Engineering, subject to the above-noted comments and recommendations.

We recommend that the proposed Lots 1 to 8 be combined to form one (1) Block for townhouse development. Direct access onto Upper Gage Avenue and Street "A" in this area from individual street townhouses is not to be encouraged. The applicant should be advised that final construction layouts of these roads will include raised traffic medians which will restrict vehicular access to the Lots. Access to the proposed townhouse "block" should be from an area at the easterly side of Lot 8 and the southerly side of Lot 1.

Item 6 on page two (2) of our letter should also include the following: "The horizontal curves of the property lines of the proposed Rita Avenue at the northerly limit must conform to our minimum geometric design criteria of a 110 metre centreline radius".

We suggest that consideration be given to developing the southerly portion of these lands (Lots 1 to 18) with the lands directly to the south, as those lands appear to be a remnant parcel that may not be developable on its own".

City of Hamilton Traffic Department has submitted the following comments and recommendation:

"In accordance with the approved Templemead Neighbourhood Plan, the area was designated as low density apartments. The proposal therefore contradicts this plan. The proposal also introduces 25 potential driveways into a future signalized arterial-collector intersection. This proposal could significantly affect operations at this intersection. The Traffic Department will not therefore support this application."

Bell Canada has submitted the following comments and recommendation:

"Our toll easement is shown in the bottom right hand corner of your plan. It looks like it may be in conflict with Lot 1 if this proposal is accepted. Confirmation of the exact location of the easement in relation to Lot 1 would be appreciated before our approval could be granted."

Zoning Application

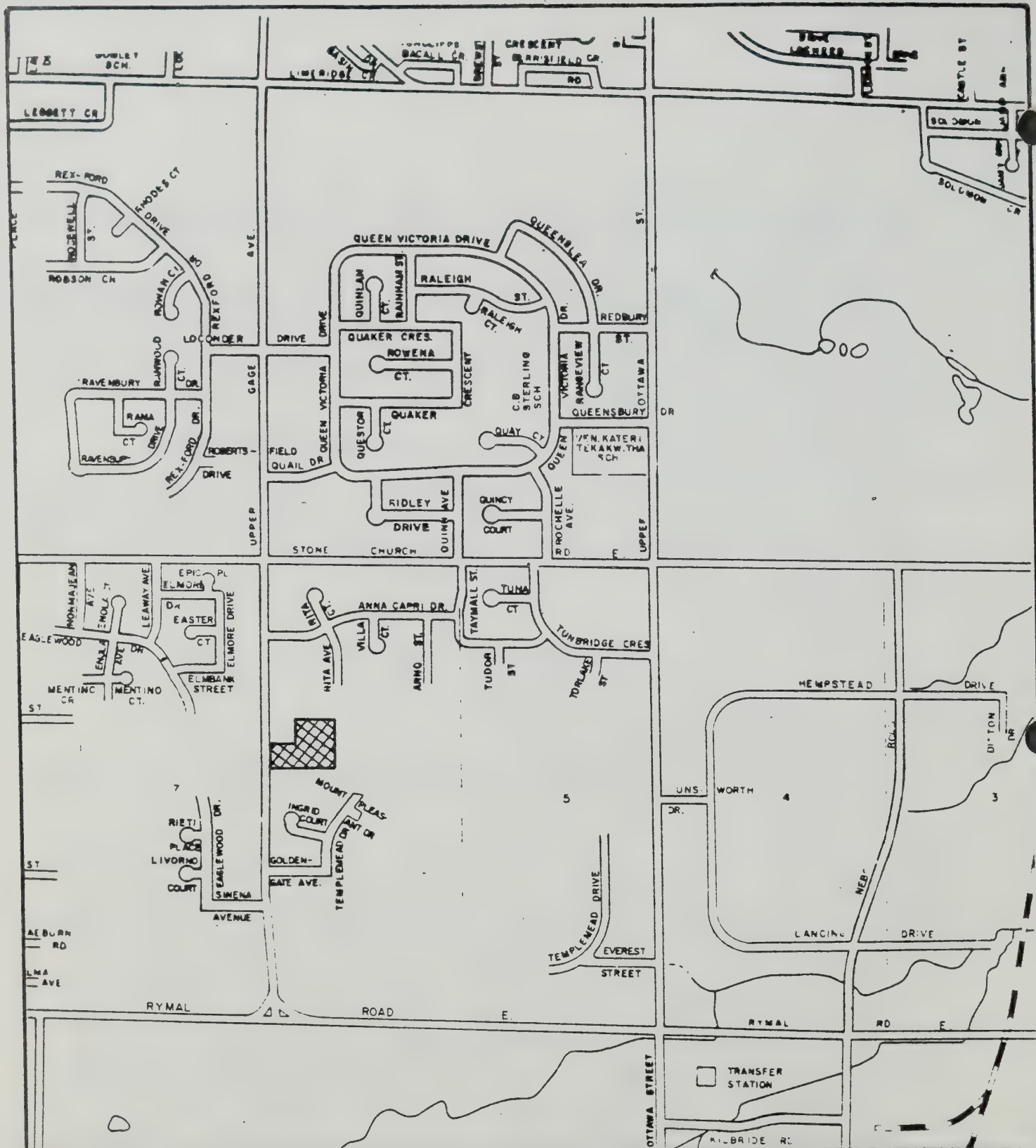
The following have advised that they have no comment or objection:

City of Hamilton Building Department,
City of Hamilton Traffic Department,
Niagara Escarpment Commission Staff,
Hamilton Region Conservation Authority,
Hamilton-Wentworth Department of Engineering (subject to development through a satisfactory plan of subdivision).

COMMENTS

1. The conformity of the proposal with the Official Plans and the need for an amendment to the neighbourhood plan and Zoning By-law is noted.
2. As no part of the subject land is designated park and recreational use on the approved neighbourhood plan, it is recommended that the parkland requirement for this subdivision be taken as cash-in-lieu of land.
3. The required changes to the neighbourhood plan from low density apartments to street townhouses should be implemented upon approval of the subdivision by City Council.
4. The changes recommended for access to Block "22" can be implemented when Site Plan Approval will be granted.
5. The requested rezoning to permit the Street Townhouse development can be supported on the basis that multiple development is proposed in the approved neighbourhood plan.

JLS/jd



Location Plan For

BENTWOOD PLACE

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



PROPOSED SUBDIVISION

North



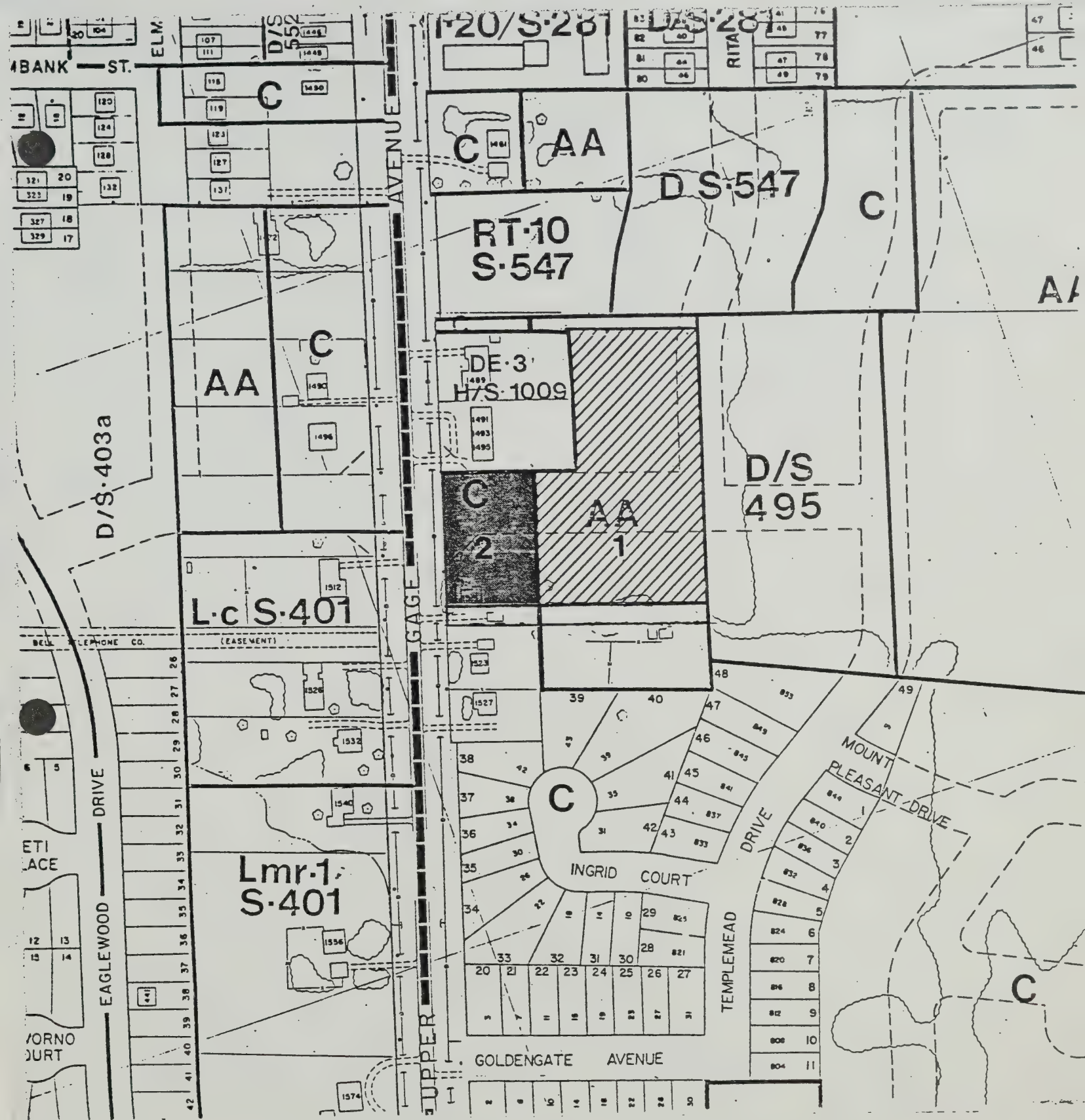
Scale
N. T. S.

Date
JULY 10, 1987

Reference File No.
25T-87025

Drawing No.





LEGEND



CHANGE IN ZONING FROM "AA" (AGRICULTURAL) DISTRICT TO "RT-30" (STREET-TOWNHOUSE) DISTRICT.



CHANGE IN ZONING FROM "C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT TO "RT-30" (STREET-TOWNHOUSE) DISTRICT.



CANON HBL A05
LS170

E. A. SIMPSON
CITY CLERK

K. E. AVERY
DEPUTY CITY CLERK



CITY HALL
HAMILTON, ONTARIO
L8N 3T4

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

1988 April 8

URBAN MUNICIPAL

NOTICE OF MEETING

APR 1 1988

GOVERNMENT OF CANADA

Planning and Development Committee
Wednesday, 1988 April 13th
2:00 o'clock p.m.
Room 233

Susan K. Reeder

Mrs. Susan K. Reeder
Secretary

A G E N D A

2:00 o'clock P.M.

- A. Rental Housing Protection Act - Demolition application -
174 Main Street West.
1. Minutes of the meeting held Wednesday, 1988 March 30th.
(copy to follow) ✓

BUILDING COMMISSIONER

2. Demolition Permit Applications:
 - (a) 88 Aurora Avenue.
 - (b) 194 Forest Avenue.

*Added
separately
CAL with
H56 1457*

DIRECTOR OF COMMUNITY DEVELOPMENT

3. (a) 1987 Annual Audited Statements and Annual Report - Kirkendall-Strathcona Neighbourhood Improvement Programme/Kirkendall-Strathcona Neighbourhood House (Wesley Urban Ministries).
- (b) Applications - Ontario Home Renewal Programme (O.H.R.P.).
- (c) York Boulevard triangle - landscaping and financing.
- (d) Authority to proceed with details - Crown Point West/Stipeley Programme for Renewal, Improvement, Development and Economic Revitalization (PRIDE).
- (e) Phase IV, Downtown Hamilton Action Plan.
 - (i) Design of the Jarvis Street Public Parking Lot.
 - (ii) Laneway Lighting Programme; Attachment of Light Fixtures on Privately Owned Buildings Adjacent to Alleyways.

DIRECTOR OF PROPERTY

4. (a) Purchase by the City - 407 Sherman Avenue North.
- (b) Sale - Part 10, Plan 62R-6188 (36 Keefer Court) - Kenora Industrial Park.

COMMISSIONER OF ENGINEERING

5. Cash Payments in lieu of 5% Parkland Dedication.
 - (a) Templemead No. 2 Survey - Phase 5.
 - (b) Eaglewood Estates.

COMMISSIONER, PLANNING AND DEVELOPMENT

6. (a) Approval process for Site Plan Control Applications.
- (b) Authorization for a Public Meeting - Proposed Plan, part of Allison Neighbourhood.
- (c) City Initiative 88-D - Request for a general amendment to Zoning By-Law No. 6593.

PUBLIC MEETING

ZONING APPLICATIONS

3:00 O'CLOCK P.M.

7. Zoning Application 86-62, Joyce and Ernest Monkley, owners, for a modification to the "HH" District regulations for properties at Nos. 849 and 853 Upper Wentworth Street.
8. Zoning Application 88-10, Alex Hemstreet, owner and prospective owner, for a change in zoning from "D" to "R-4" and "HH" for properties at Nos. 863 and 867 Upper Paradise Road.
 - (a) Letter of submission - Alec Anastasiou, 861 Upper Paradise Road - dated 1988 April 5.
 - (b) Letter of submission - Joyce Mongeon, 599 Stone Church Road West - dated 1988 March 31.
9. Zoning Application 87-137, Miraletto Holdings Limited, owner, for a change in zoning from "C" to "DE-3" for property at 225 Kenilworth Avenue South. (copy to follow)
 - (a) Petition of submission - dated 1988 March 31.
 - (b) Letter of submission - Lorne and Elinor Raycroft, 208 Tuxedo Avenue South - dated 1988 April 7.
10. Other Business.
11. Adjournment.

A.

FOR ACTION

REPORT TO: SUSAN REEDER, ACTING SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

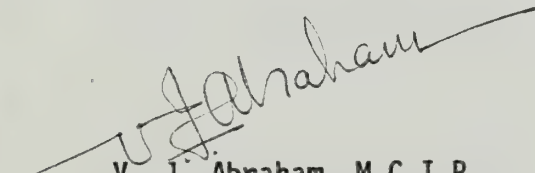
DATE: 1988 April 5
COMM FILE:
DEPT. FILE: P5-4-2-15

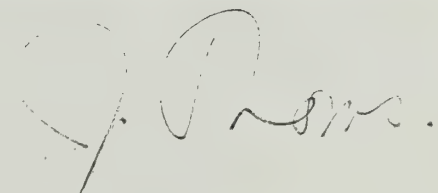
SUBJECT:

Rental Housing Protection Act - Demolition Application DE-87-001 - 174 Main Street West.

RECOMMENDATION

- (a) That the application for demolition of 174 Main Street West, under the Rental Housing Protection Act, be denied, unless the applicant provides similar rental accommodation.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A.

EXPLANATORY NOTE

The application is for demolition of a three-storey apartment building at 174 Main Street West, which contains a total of 30 apartments. The rents charged are in the affordable range, since they are below the City-wide average for units of this type. The central issue in this application is whether or not the demolition of these rental units would have an adverse impact on the supply of affordable rental housing. If it is determined that there would be an adverse impact, the applicant may be required to provide replacement rental units, similar in location and cost, in order to meet the requirements of the Rental Housing Protection Act.

BACKGROUND

- Zoning Application ZA-86-75 submitted on August 26, 1986 for a modification to the "HH" (Civic Centre Protected) District to permit commercial/residential uses.
- The redevelopment proposal involves the use of this site for an 18-storey mixed commercial/residential development which would include 240 condominium apartments and 1,800 m² of ground floor commercial space. This development will involve:
 - a total of 300 jobs created during the planning and construction period;
 - a cost exceeding one million dollars; and,
 - a total of 12 new retail sales businesses to be established, which would create 80 new jobs.
- Approval of Zoning Application given by Planning and Development Committee on January 14, 1987 (Council on January 27, 1987), subject to several variances. It was noted that the existing apartment building would fall under the jurisdiction of the Rental Housing Protection Act, and that municipal Council approval would be required to permit such a demolition.
- Zoning By-law effective date: on March 31, 1987, By-law 87-58 came into effect, subject to the requirements of the Rental Housing Protection Act, to provide modifications to the "HH" district side yards, front yards, landscaping, etc. for this site.
- Application for Demolition, Application DE-87-001 under Subsection 4(1) of the Rental Housing Protection Act was submitted on August 7, 1987 by Michael Weinberg Properties Ltd. and Intervivos Investment Ltd.
- Comments were provided by the Ministry of Housing in October, 1987, and March, 1988, and the Building Department in February of 1988, following two detailed inspections of the building.

APPLICABILITY OF THE RENTAL HOUSING PROTECTION ACT

The Act is intended to help preserve the existing scarce supply of rental units, by means of regulating the actions such as renovations, demolitions and severances. The proposed demolition of the property at 174 Main Street West would be subject to the Act, since:

- it would involve a building with more than four rental units, namely 30; and,

- the rents involved are in the affordable range, since they are below the area average for apartments of this size. The average rent is approximately \$269 per month. The average rent for the downtown area is \$288 per month for bachelor units, and \$362 per month for one bedroom units. The majority of the units at 174 Main Street West are one bedroom units.

ANALYSIS

The requirements of the Rental Housing Protection Act for demolition applications are outlined below, with an evaluation of the subject property in terms of each of these. The Act states that at least one of the following three criteria contained in Section 8(1) of the Regulations to the Act must be met:

1. Physical Condition of Rental Building

a) Regulations

As contained in Section 8(1)1. of the Regulations to the Act, Council may approve demolition applications if "the rental residential property is found by Council to be unsafe or unfit for human habitation". As noted by the Ministry of Housing, the report of a qualified, competent professional is necessary to determine this.

b) Evaluation of Application

The Building Department conducted an inspection of the building, and also had an inspection carried out by a professional engineer. They concluded that the building, which is presently in use, could be upgraded to enable continued use for residential purposes. They did not feel that the building was unsafe or unfit. To quote their report:

"In summary, the building is not in good condition and has not been well maintained, but is not, however, beyond rehabilitation. There is work which would be necessary to bring the building into compliance with the Property Standards By-law."

Examples of this work required include replacement of window sills and plumbing fixtures, and installation of new fire escapes and heating system.

2. Provision of Alternate and Replacement Accommodation

a) Regulations

As contained in Section 8(1)2. of the Regulations to the Act, Council may approve the demolition if the applicant agrees:

- " i) to provide the same number of new rental units in a similar rental range and in the same area as those for which approval is given; and,
- ii) to provide rental accommodation in the same area of similar quality and rent, either in the new rental units or in other existing rental residential property, to any tenant who is required to give up possession of a rental unit as a result of the approval."

b) Evaluation of Application

The applicant could choose to satisfy this requirement, in order to enable Council approval of the demolition. This would involve the provision of 30 replacement units, including alternative accommodation for the existing tenants. These units could either be provided in the proposed new 240-unit building, or elsewhere in the Central Area. The rents should continue to be in the affordable range as the existing units which have average rents of \$269 per month. The Ministry has stated that an increase of no more than 10% in rental costs should be considered acceptable.

3. Impact on the Overall Rental Housing Supply

a) Regulations

As contained in Section 8(1)3., Council may approve a demolition if " . . . in the opinion of Council, the proposal does not adversely affect the supply of affordable rental housing in the municipality". This may be interpreted as meaning the municipality as a whole, or the vicinity of the subject property. This evaluation may be based on one or more of various measures described in general terms in the Act. For example, approval could be granted:

- i) If the application would not result in excessively low vacancy rates for the City, or for the relevant submarket or area of the City; or,
- ii) If the approval would not result in the elimination of rental units which have rents below the average charged within the City, or relevant submarket or area of the City; or,

- iii) If the application would not eliminate units which are affordable in terms of the portion of the tenants' total income which would be required to cover the rent (e.g., 25% or less).

b) Evaluation of Application

Information on rental vacancy rates and rents is contained in Appendix "A". The application would have an adverse effect on the supply of affordable rental housing, in terms of the following measures:

- i) The existing low vacancy rates for the City and the downtown would be further reduced by the moving of these tenants to the few available vacant units. Existing vacancy rates are 0.4% for both the City of Hamilton and the downtown (see Appendix "A").
- ii) Approval would result in the elimination of 30 units with rents below the average charged within the City and the downtown. Average rents for the units at 174 Main Street West are \$269, which compares with \$289 to \$347 for the City of Hamilton, and \$294 to \$360 for the Downtown. The range indicates the difference between bachelor and one bedroom units. Of the units proposed for demolition, 9 are bachelor units and 21 are one bedroom.

ADVANTAGES AND DISADVANTAGES

The demolition of this building, and the construction of the proposed new development, would have several advantages, including the following:

- 240 new condominium units would be provided within the downtown area;
- the applicant has informed the Planning Department that these units would be in the low to middle price range, at approximately \$100,000;
- these new units might have an effect on vacancy rates by drawing some tenants from existing affordable units; and,
- the new development would be in a highly visible and accessible downtown location.

The disadvantages of the demolition have already been outlined, namely:

- the adverse effect on the supply of affordable rental housing caused by the loss of these 30 affordable units; and,
- the shortage of replacement units available to these tenants.

CONCLUSIONS

In summary, despite the foregoing advantages to the proposal, the application for demolition would have an adverse impact on the supply of affordable housing, since it would result in the elimination of 30 units with below-average rents, and would further reduce existing low vacancy rates.

As provided in the regulations to the Rental Housing Protection Act, the recommended approach would be for the applicant to provide replacement units of the same number, in a similar rental range and in the same area. This must include similar accommodation for any tenant who is required to give up possession of a unit.

VG:CS
0019P

APPENDIX "A"

RENTAL MARKET STATISTICS

INFORMATION RELATED TO 174 MAIN STREET WEST

1. RENTAL VACANCY RATES

(For buildings with six or more units, privately initiated)

<u>AREA</u>	<u>TYPE</u>	<u>VACANCY RATE</u>	<u>VACANT UNITS</u>	<u>TOTAL UNITS</u>
Hamilton CMA	All Units	0.3%	140	41,374
City of Hamilton	All Units	0.4%	123	31,855
Downtown Hamilton ³	Bachelor	1.5%	12 ²	782
	One Bedroom	0.3%	16 ²	5,282
	All Units	0.4%	42	10,967

2. AVERAGE RENTS

(For buildings with six or more units, privately initiated)

<u>AREA</u>	<u>TYPE</u>	<u>AVERAGE RENTS</u>	<u>TOTAL UNITS</u>
Hamilton CMA	Bachelor	\$ 288	1,722
	One Bedroom	362	16,469
City of Hamilton	Bachelor	289	1,617
	One Bedroom	347	13,449
Downtown Hamilton	Bachelor	294	782
	One Bedroom	360	5,282

Notes:

1. Source: CMHC Local Report - Hamilton Rental Market Survey - October, 1987.
2. Figures calculated from total units and vacancy rate.
3. Downtown Hamilton - defined as area bounded by Queen, Cannon, Wentworth Streets and Escarpment.
4. Hamilton CMA - Includes Hamilton, Burlington and Grimsby
5. Size of units at 174 Main Street West - 9 units are bachelor, 21 are one bedroom.

Tuesday, 1988 March 29
7:15 o'clock p.m.
Room 233, City Hall

A special meeting of the Planning and Development was held.

There were present: Alderman J. Smith, Chairman
Alderman D. Ross, Vice-Chairman
Mayor Robert M. Morrow
Alderman D. Agostino
Alderman B. Hinkley
Alderman T. Cooke
Alderman W. McCulloch
Alderman D. Christopherson
Alderman H. Merling

Also present: Alderman J. Gallagher
Alderman T. Murray
Mr. L. Sage, Chief Administrative Officer
Mr. E. Kowalski, Director of Community Development
Mr. T. Bradley, Manager of Purchasing
Mrs. Susan K. Reeder, Secretary

The Committee was in receipt of a report from the Manager of Purchasing dated 1988 March 18 respecting the Supply and Delivery of Lighting Poles, Downtown Action Plan Phase V.

Mayor Morrow requested clarification on whether this bid is in line with the estimate made for this work. Mr. E. Kowalski, Director of Community Development responded to the Mayor's queries.

It was then moved by Alderman McCulloch, seconded by Alderman Cooke and carried to APPROVE the following recommendation:

That a purchase order be issued to Union Metal Poles Ltd., Burlington in the amount of \$142,156.99 for the supply and delivery of Lighting Poles for the Downtown Action Plan Phase V, Community Development Department in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Only tender received. Funds provided in James Street North Streetscape Improvement, Supply of Poles Account #0405-A8-201.

There being no further business, the meeting then adjourned.

Taken as read and approved,

Alderman J. Smith, Chairman
Planning and Development Committee

Mrs. Susan K. Reeder
Secretary
1988 March 29

Supply and
delivery of
Lighting Poles,
Downtown Action Plan,
Phase V.

Adjournment.

Wednesday, 1988 March 30
1:00 o'clock p.m.
Room 233, City Hall

The Planning and Development Committee met:

There were present: Alderman J. Smith, Chairman
Alderman D. Ross, Vice-Chairman
Mayor Robert M. Morrow
Alderman D. Christopherson
Alderman T. Cooke
Alderman D. Agostino
Alderman B. Hinkley
Alderman H. Merling
Alderman W. McCulloch

Also present: Alderman T. Murray
Mr. D. Godley, Planning Department
Mr. D. Vyce, Director of Property
Mr. B. Janssen, Planning Department
Mr. J. Sakala, Planning Department
Mr. K. Brenner, Regional Engineering Department
Mr. H. Schweinbenz, Commissioner of Transportation
Mr. R. Karl, Traffic Department
Mr. L. King, Building Department
Mr. V. Abraham, Director of Local Planning
Mr. P. Baker, General Manager, Parking Authority
Mr. B. Allick, Building Department
Mr. A. Georgieff, Planning Department
Mr. V. Matus, Planning Department
Ms. M. Germann, Building Department
Mr. M. Watson, Real Estate Division
Mr. E. Kowalski, Director of Community Development
Mr. J. Zipay, Planning Department
Ms. A. Gillespie, Planning Department
Ms. J. McNeilly, Community Development Department
Mr. Y. Schwarz, Planning Department
Ms. V. Grupe, Planning Department
Mrs. Susan K. Reeder, Secretary

The Committee was in receipt of a report from the Central Area Plan Implementation Committee dated 1988 March 21st respecting the GO Rail Study.

CAPIC - GO Rail
Study.

Alderman Christopherson, Chairman of CAPIC addressed the Committee on the report. He then introduced a Consultant with McCormick Rankin who gave an outline of the study to the Committee. He indicated that the Consultants support the CP/T.H. & B. Station as the best location, both from an economic development standpoint and a transportation service aspect.

Alderman Christopherson then introduced and expressed thanks to members of CAPIC who were in attendance; Mr. Arthur Lomax (Hamilton Automobile Club), Gabriel Etele (Downtown B.I.A.), Gill Simmons (North End Neighbourhood), Gloria DeSantis (Social Planning and Research Council), Marvin Wasserman (King East Business Association), Dave Cohen (Corktown Stinson Neighbourhood), and John Nolan (Chamber of Commerce).

Mr. John Nolan, Vice-President of CAPIC spoke on the recommendation of the Committee respecting the GO Rail Study. He added that the Committee supports the CP/T.H. & B. Station as the best location for the GO Rail terminus. Mr. Nolan then went through the points of their report and summed up by indicating that they would like to see full service as soon as possible being provided to Hamilton.

The Mayor spoke and thanked Mr. Nolan for his presentation and some discussion then ensued on the direction that this report should take.

Alderman Agostino indicated that he does not support the recommendation for the location of the terminus to be at the CP Station. He added that he feels that there are too many unanswered questions and that the CP option needs to be looked at more carefully. He added that he sees more options available with the CN Station, i.e. greater parking availability, expansion possibilities.

Alderman Ross spoke and indicated that he supports the CP/T.H. & B. Station location and pointed to the length of time that this study has been in the works.

The Consultant with McCormick Rankin indicated that they are in the third stage of their study and that that stage has been about one year in the working. He further added that he sees the CP Station as the balance between the Downtown Core and the soon to be revitalized Waterfront area.

Alderman Hinkley queried whether there was a budget restriction by the Province on this project. Mr. Schweinbenz of the H.S.R. responded by saying that the Province has not put a cap on it but is looking at the ridership aspects of this service and asking for analysis and input from the Public and Council at this point.

Alderman Hinkley then went on to suggest that there should be a connection between the CP Station and the CN Station by an elevated route along Ferguson Avenue. He added that this would service both the Waterfront area and the Downtown Area. Mr. Schweinbenz responded by indicating that it would be advisable to get the service to Hamilton at this point and look at expansion elements following that.

Alderman Hinkley responded by indicating that an expansion service down Ferguson Avenue between the stations could be done now before the Street becomes too developed. He added that if there is a delay in making this connection, the cost could be too unwieldy. He further summed up by indicating that he feels the returns to economic development if this connection were made would be very substantial.

Alderman Smith indicated that he used the GO Service for eight years and he feels that Hamilton has been left out of the system long enough and supports CAPIC's proposal of using the CP/T.H. & B. Station as the terminus location.

Alderman Christopherson indicated that the CAPIC Committee did look at the feasibility of connecting the CP and CN Stations but that route alone would cost 30 Million dollars. Due to this CAPIC felt that this cost was prohibitive. Alderman Christopherson also addressed the issue of parking and indicated that the bulk of cars should be moved away from the Downtown Core in order to keep the Downtown as a "People Place". He added that he would like the City Council to take a position on Hamilton's view of the best terminus location for GO Rail as quickly as possible in order that Hamilton has a say in this matter.

Alderman McCulloch indicated that he does not support CAPIC's recommendation and indicated that other alternatives need to be looked at closer. He feels that the CN Station location should not be discarded too hastily and that both stations should be looked at and compared.

Alderman Cooke indicated to the Committee that it is his understanding that analysis and public meetings have compared and analyzed both stations extensively and feels that a decision to support the CP/T.H. & B. Station was not made hastily.

Alderman Christopherson indicated that on April 8th the Consultants will be meeting with the Ministry and stressed the need to send this report on to the Transport and Environment Committee for a Public meeting prior to a report being presented to City Council.

It was then moved by Alderman Christopherson, seconded by Alderman Cooke and carried to APPROVE the following recommendations:

PRINCIPAL RECOMMENDATION

- 1) That the terminus for GO Rail be relocated at the CP (former T.H. & B.) Station as soon as possible.

OTHER RECOMMENDATIONS

- 2) That a public meeting be held to solicit comments prior to a City Council decision on this matter;
- 3) That the decision on the reconstruction of the Hunter Street tunnel be deferred until the growth in service warrants further examination;
- 4) That the CP station be developed as a multi-modal transport terminus and that the existing bus terminal be transferred to this station;
- 5) That the opening of the new terminus coincide with any improvement and/or changes to the HSR operations and the transferring of the existing bus terminal;
- 6) That the maximum GO Train frequency, including two-way service, be provided as soon as the new terminus is open and the operations be integrated with GO bus services;
- 7) That the Waterdown station be treated as a component of the initial project to provide commuter parking to serve the entire Region;
- 8) That the new terminus be developed as a mixed use development, including general purpose parking;
- 9) That, the new terminus be of a high quality design, and that the Urban Design Committee be requested to:
 - i) review any proposed CP station development with participation by the public; and,
 - ii) prepare guidelines for development in the area surrounding the CP station with participation by the public;
- 10) That every effort be made to retain and enhance the CP building as part of any development of the terminus;
- 11) That the Neighbourhood Associations and other interested groups participate in the process of identifying impacts and developing measures to mitigate adverse social and environmental impacts and enhance the social and physical environment, as part of the current study;
- 12) That the Central Area Plan Implementation Committee review this report and recommendations as further information is received and report back to the Planning and Development Committee.

Recorded Vote:

Yeas: Smith, Cooke, Christopherson, Mayor, Ross

Nays: Hinkley, McCulloch, Agostino

Urban Design
Committee -
Main Street West
Study (Highway 403
to Queen Street).

The Committee was in receipt of a report from the Urban Design Committee dated 1988 March 15 respecting Main Street West (Highway 403 to Queen Street).

Mr. Harkness, of the Urban Design Committee spoke on their recommendation and outlined the goals listed in their report.

Mr. V. Matus, of the Planning Department spoke on the analysis undertaken with the Main Street West study. He mentioned that aspects such as landscaping, nightscaping, property standards enforcement, etc. are all areas that could be investigated to improve the appearance of Main Street as one of the main entrance ways into Hamilton.

Mr. Wally Barnard of Barnard and Speziale Design Association Inc., 315 Main Street West spoke enthusiastically to the Committee on the plan. He asked when the rejuvenation would start and indicated that he has worked on renovating townhouses along Main Street and sees great improvement along Main and Queen. Mr. Barnard added that he is new to this area and that improvements to his properties have been local initiatives. He summed up by indicating that he fully supports the goals of the Urban Design Committee.

The owner of the Main Street Cafe spoke and indicated that he would like to see the speed along the Street reduced. He added that the slope of the roadway is dangerous and he has observed numerous accidents which have occurred already. He further added that the lowering of speed will allow traffic to appreciate the streetscape along Main Street West.

Alderman Cooke indicated that with the Super Carnival at King and Dundurn recently built that the speed at this area is being looked at.

A resident of the Main and Locke Street area asked whether there would be a study of the Main and Locke area. Alderman Cooke responded by indicated that in the long term plan such a study is anticipated but not in the short term.

Parking needs in the area were discussed and a representative of interested purchasers for properties on Main Street West spoke to the Committee and indicated that parking is a definite deterrent to potential buyers for businesses along Main Street West.

The owner of a small apartment building on 377 Main Street West spoke to the Committee and questioned whether Hamilton needs more businesses along Main Street West.

Mrs. George, 250 Main Street West spoke to the Committee and indicated that her home is residential. She questioned whether Main Street will ever revert to two way traffic. She added that the one way street directions in the area is confusing and presents difficulties if a vehicle wants to return to an "interesting" looking business on Main Street. She added that traffic is very dense on the Street already.

The owner of the Women's Book Shop at 333 Main Street West spoke to the Committee and requested that trucks be taken off Main Street and make them take the York Street exit. She feels that Main Street is very dangerous and there is a need to reduce traffic along that route.

A 45 year resident of a residential home on Main Street West spoke to the Committee and indicated that the area has deteriorated badly. She added that there are many vacant houses along Main Street and that traffic creates a great deal of noise for the residential owners.

Some discussion then ensued on funding availability and Mr. E. Kowalski, Director of Community Development advised that if the area is designated as a B.I.A. that they would be eligible for funding, i.e. Commercial Facade Loan Programme.

Alderman McCulloch requested that a holding zone be put on this area until such time as the study is completed.

The Committee then APPROVED the following recommendation:

- (a) That the Planning and Development Department be directed to expedite the Main Street West (Highway 403 to Queen Street) Comprehensive Study (including a background report, advisory committee and policies) as soon as possible.
- (b) That the following short term actions be taken now:
 - (i) That the Planning Department be directed to coordinate landscaping proposals for key properties and approach owners with a view to installation;
 - (ii) That the Planning Department coordinate preparation of a scheme for nightscaping encompassing both private and municipal actions;
 - (iii) That the Planning and Development Department examine land use alternatives between the Spectator and the T.H. & B. line and suggest development guidelines;
 - (iv) That the Planning Department prepare a zoning by-law amendment limiting signs to no higher than the eaves of the building on the site;
 - (v) That the Building Department be directed to survey all properties with a view to enforcing the Property Standards By-law;
 - (vi) That the Parking Authority be requested to investigate and identify parking needs and recommend appropriate solutions;
 - (vii) That the Traffic Department check signs to ensure they are not encroaching on the road allowance;
 - (viii) That the Community Development Department provide information and meet with merchants with a view to establishing a Business Improvement Area, which will assist property owners with funding for improvements, i.e. Commercial Facade Loan Programme.
 - (ix) That the Planning and Development Department in conjunction with the Real Estate Department review the feasibility of acquiring property at the eastern corners of Dundurn and Main Street West with a view to a redevelopment of the scheme;
 - (x) That L.A.C.A.C. be requested to survey all buildings with a view to assisting with conservation improvements.
 - (xi) That the Planning and Development Department be directed to place holding provisions on lands on Main Street West between Locke and Dundurn Streets until the Comprehensive Study is completed.

ZA88-01 -
333 Waverly Street.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 March 8th respecting Zoning Application 88-01 for property located at 333 Waverly Street.

Report of the circularization is as follows:

165 notices sent 16 in favour 7 opposed

Alderman Christopherson, as one of the Ward Aldermen, indicated that numerous residents have called him to express their opposition to this application. They are concerned at the overintensification that this proposal would impact on the area.

Mr. J. Pinelli, and Mr. Bob Burns, applicants, spoke to the Committee. They indicated that they disagree that the proposal is an overintensification. Mr. Pinelli showed drawings of the proposed dwelling and feels the proposal is better than what is at the site now. He then circulated a picture of the present building on the property. Mr. Pinelli added that they have applied to purchase the alleyways to the north and west of the property to expand the footage of the lot. He added that if successful their application would meet the setback requirements. He indicated that the current building on the site would be demolished for the building of a new unit. He also advised that there are few lots in the neighbourhood of this size and therefore does not feel that the reasoning of precedent-setting applies.

Following discussion on this matter by the Committee it was then moved by Alderman Christopherson, seconded by Alderman Hinkley and carried to APPROVE the following denial recommendation:

That Zoning Application 88-01, 684553 Ontario Ltd. (N. J. Pinelli), prospective owner, requesting a modification to the "C" (Urban Protected Residential, etc.) District, to permit the redevelopment of the subject lands for a two-family dwelling, for the property located at No. 333 Waverly Street, as shown on the attached map marked as APPENDIX "A", BE DENIED for the following reasons:

- (a) it represents an overintensification of land use since variances are required to lot width, lot area, location of required parking and side yards;
- (b) it would be out of character with the surrounding single-family dwellings both in terms of size and bulk; since the surrounding development is predominantly 1 to 1-1/2 storey single family dwellings and the applicant proposes a 2-1/2 storey semi detached dwelling and,
- (c) it would set an undesirable precedent for future similar redevelopment applications.

ZA88-04 -
114 Melvin Avenue.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 March 17 respecting Zoning Application 88-04 for property located at 114 Melvin Avenue.

The circularization is as follows:

178 notices sent 11 in favour 7 opposed

The Committee APPROVED the following recommendation:

That APPROVAL be given to Zoning Application 88-04, Melan Balac, owner, requesting a modification to the established "H" (Community Shopping and Commercial, etc.) District regulations applicable to property located at No. 114 Melvin Avenue, as shown on the attached map marked as APPENDIX "B", on the following basis:

- (a) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593 applicable to the subject lands, be modified to include the following variances as special requirements:
 - (i) Notwithstanding Section 4(3)(a) of By-law No. 6593 two principal buildings which include a commercial and a residential use shall be permitted;
 - (ii) Notwithstanding Section 14(1)(xvii) of By-law 6593 the existing building located at the rear of No. 114 Melvin Avenue may be used as a wholesale warehouse for the sale and storage of worms;
 - (iii) Notwithstanding Section 14(3)(iii)(c) of By-law No. 6593 a minimum rear yard of 0.45m shall be permitted;
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1072, and that the subject lands on zoning District Map E-73 be notated S-1072;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-73;
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a modification to the established "H" (Community Shopping and Commercial, etc.) District regulations applicable to property at No. 114 Melvin Avenue.

The effect of the By-law is as follows:

- (a) To permit two principal buildings and uses on the same lot whereas Section 4(3)(a) of the Zoning By-law, only permits one principal building and one principal use on the lot.
- (b) To permit the existing building located at the rear of No. 114 Melvin Avenue to be used as a wholesale warehouse for the sale and storage of worms (Section 14(1)(xvii)).
- (c) To permit a minimum rear yard of 0.45m (1.5 ft.) instead of 4.5m (14.76 ft.) required for the second principal building located on the lot (Section 14(3)(iii)(c)).

ZA88-07 -
21-71 Sanford
Avenue North.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 March 22 respecting Zoning Application 88-07 respecting property at 21-71 Sanford Avenue North.

Report of the circularization is as follows:

698 notices sent 35 in favour 6 opposed

Mrs. McDowall, 28 Arthur Avenue South spoke to the Committee and indicated that the parking lot proposed for this development backs onto her property. She feels that on site parking should be provided for this building. She added that residents of her area have paid for paved laneways and feels it is unfair for new people to use those roads.

Mr. Navarro, 59 Arthur Avenue North spoke to the Committee and indicated that there is a shortage of parking in the area already and expressed concern that this new proposal would impact adversely on the limited parking in the area.

Mr. Philip Alexander, a representative of the owners of the property spoke to the Committee and advises that 150 parking spaces are being built underground for the unit and that the second and third locations on Acorn Street and Sanford Avenue South are for additional parking for the unit. He indicates that the proposal will provide more than enough parking for the site and will not impact on the area. He added that they are providing 80 extra parking spaces over and above the required number.

The Committee then discussed this proposal and Alderman Hinkley expressed great enthusiasm for the innovative conversion of a vacant industrial building to multiple dwelling (condominium) use.

It was then moved by Alderman Hinkley, seconded by Alderman Christopherson and carried to APPROVE the following recommendation:

(A) That APPROVAL be given to Zoning Application 88-07, Vaghela Investments; owner, requesting a change in zoning from "J" (Light and Limited Heavy Industry) District to "DE-3" (Multiple Dwellings) District, to permit the conversion of the existing vacant industrial buildings to a 193 unit multiple dwelling (condominium) for the property located at Nos. 21-71 Sanford Avenue North (Block "2"), as shown on the attached map marked as APPENDIX "C", on the following basis:

- (a) That the amending By-law apply the holding provisions of Section 35(1) of the Planning Act R.S.O. 1983 to the subject lands, by introducing the holding symbol 'H' as a suffix to the proposed "DE-3" District.
- (b) That Block "2" be rezoned from "J" (Light and Limited Heavy Industry) District, modified to "DE-3" - 'H' (Multiple Dwellings) District;
- (c) That the holding provision ('H') be removed by City Council upon completion of a site plan for the proposed development which includes the parking lots located at No. 10 Acorn Street and No. 15 Sanford Avenue South.
- (d) That the "DE-3" (Multiple Dwellings) District regulations as contained in Section 10C of Zoning By-law No. 6593, applicable to Block "2", be modified to include the following variances as special requirements:

- (i) That Section 10C(3) shall not apply to the existing buildings;
- (ii) That notwithstanding Section 10C(6), there shall be provided and maintained on the lot and within the district, at least 12% of the lot area shall be landscaped;
- (e) That Section 4.(3)(a) shall not apply;
- (f) That notwithstanding Section 18A.(9), the required parking for the multiple dwelling shall be provided on lots located at No. 10 Acorn Avenue, and No. 15 Sanford Avenue South or on-site;
- (g) That notwithstanding Section 18A.(1)(C), one loading space (9m x 3.7m x 4.3m) shall be provided on-site;
- (h) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1073, and that the subject lands on Zoning District Map E-22 be notated S-1073;
- (i) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-22;
- (j) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (k) That the approved Gibson Neighbourhood plan be amended by redesignating No. 21 Sanford Avenue from "Commercial and Apartments" to "Medium Density Apartments".
- (l) That the conditions of the Hamilton-Wentworth Engineering Department be satisfied prior to the amending by-law being submitted to City Council for approval.
- (B) That Schedule "A" of Site Plan Control By-law 79-275 be amended by adding the properties located at No. 10 Acorn Street and No. 15 Sanford Avenue South, as shown on APPENDIX "D".

NOTE: The purpose of the By-law is to provide for a change in zoning from "J" (Light and Limited Heavy Industry) District, modified, to "DE-3" - 'H' (Multiple Dwellings) District, modified, for the property located at Nos. 21-71 Sanford Avenue North.

The 'H' refers to a holding symbol which will prohibit the development of the subject lands until a site plan for a proposed development (including the two parking lots on Sanford Avenue South and Acorn Street) is approved by the Planning and Development Committee.

The effect of the By-law is to permit the conversion of the existing vacant industrial building for a 193 unit multiple dwelling (condominium).

In addition, the By-law provides for the following variances:

- (a) to exempt the existing building from the yard requirements of the "DE-3" District;
- (b) to permit a minimum landscaped area of 12% instead of the required 25%;

- (c) to allow 2 principal buildings on the same residential lot whereas only 1 building is permitted;
- (d) to allow a portion of the required parking spaces to be located off-site instead of on-site on lots located at No. 10 Acorn Avenue and No. 15 Sanford Avenue South.
- (e) to exempt the development from providing a large loading space whereas the By-law required one large and one small loading space.

The applicant thanked the Committee for the approval and mentioned that he would like to see the City install lighting which would be in keeping with the design of the converted building rather than the standard lighting installed on the street.

Subdivision
Application 87-20 -
east side of Upper
Gage and north of
Rymal Road East.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 March 1 respecting Subdivision Application 87-20 for a plan of subdivision on the east side of Upper Gage Avenue and north of Rymal Road East as well as Zoning Application 87-94 for property located on the east side of Upper Gage Avenue in the area between Anna Capri Drive and Goldengate Avenue.

The Committee APPROVED the following:

- (A) That APPROVAL be given to Subdivision Application 87-20, 660555 Ontario Ltd., owner, to establish a plan of subdivision on the east side of Upper Gage Avenue and north of Rymal Road East subject to the following conditions:
 - (a) That this approval apply to the plan prepared by A. J. Clarke and Associates, dated 1987 June 26, revised to show 27 lots for street townhouses, one block (Block "32") for road widening, a 12m x 12m daylight triangle, three blocks (Blocks "29", "30" and "31") as a 0.3m reserve, and two blocks (Blocks "28" and "33") for development with adjacent lands.
 - (b) That the owner acquire sufficient land to establish Rita Avenue to its full required width.
 - (c) That the streets and the road widening be dedicated as public highways on the final plan.
 - (d) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 - (e) That the final plan conform with the City of Hamilton Zoning By-law.
 - (f) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.
 - (g) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 - (h) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.

- (i) That the dead-ends and open side of the road allowance (Blocks "28", "30", and "31") created by the plan be terminated in a 0.3m reserve to be conveyed to the City of Hamilton and to be held by the City until required for the extension of the road allowance and/or development of adjacent lands.
 - (j) That Blocks "28" and "33" only be developed in conjunction with adjoining lands.
 - (k) That Rita Avenue align with the adjacent street, and Street "A" align with the mid-block collector street on the west side of Upper Gage Avenue, centreline to centreline.
 - (l) That the owner shall erect a sign in accordance with Section X of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
 - (m) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- (B) That a Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-87-20), 660555 Ontario Ltd., owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

That APPROVAL be given to Zoning Application 87-94, 660555 Ontario Limited, owner, for a change in zoning from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to "RT-30" (Street Townhouse) District, for property located on the east side of Upper Gage Avenue in the area between Anna Capri Drive and Goldengate Avenue, as shown on the attached map marked as APPENDIX "E", on the following basis:

- (a) That the lands described as Block "1" be rezoned from "AA" (Agricultural) District to "RT-30" (Street Townhouse) District.
- (b) That the land described as Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "RT-30" (Street Townhouse) District.
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-49D;
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (e) That the Templemead Neighbourhood Plan be amended by redesignating the subject lands from "Low Density Apartments" to an "Attached Housing" designation.

NOTE: The purpose of the By-law is to provide for the following changes in zoning for property located on the east side of Upper Gage Avenue in the area between Anna Capri Drive and Goldengate Avenue.

ZA87-94 - east side of Upper Gage Avenue in the area between Anna Capri Drive and Goldengate Avenue.

- (a) Block "1" change from "AA" (Agricultural) District to "RT-30" (Street Townhouse) District
- (b) Block "2" change from "C" (Urban Protected Residential, etc.) District to "RT-30" (Street Townhouse) District

The effect of the By-law is to permit development of the subject lands for street townhouses.

Minutes -
1988 March 9th.

The Committee was in receipt of the minutes of their last meeting held Wednesday, 1988 March 9th and agreed to ADOPT these minutes.

New Projects and
Dedication of Space
for the Arts.

It was noted on the Agenda that the Mayor had asked to have an item placed before the Committee respecting "New Projects and Dedication of Space for the Arts". As the Mayor was not in attendance at this point in the meeting no action was taken on this matter.

Demolition Permit
Applications.

The Committee was in receipt of a report from the Building Commissioner dated 1988 March 22 respecting demolition permit applications. The Committee APPROVED the following.

That the Building Commissioner be authorized to issue demolition permits for the demolition of the following residential buildings:

- (a) 102 Dana Drive
- (b) 277 Stone Church Road West
- (c) 289 Tolton Avenue
- (d) 143 Ottawa Street North
- (e) 1010 Upper Wentworth Street

Applications -
Ontario Home
Renewal Programme.

The Committee was in receipt of a report from the Director of Community Development dated 1988 March 7 respecting applications under the Ontario Home Renewal Programme.

The Committee APPROVED the following:

That the Director of Community Development be authorized to process the following grants/loans in the amount not to exceed \$7,500. The actual amount of grant or loan to be determined by inspection of the property under the Property Standards By-law 74-74 and pursuant to Regulation 506 (R.R.O. 1980) under The Housing Development Act for the Ontario Home Renewal Programme.

- (a) W. Middelkamp
149 Walter Avenue North
- (b) C. Micks
13 Queensdale Avenue East
- (c) H. Sopo
179 Oakland Drive
- (d) R. Salmon
82 Gertrude Street
- (e) E. North
21 Fairfield Avenue North

The Committee was in receipt of a report from the Director of Community Development dated 1988 March 11 respecting an application for a loan increase under the Second Level Lodging Home Programme.

Loan Increase,
Second Level
Lodging Home
Programme.

The Committee APPROVED the following:

That a loan increase in the amount of \$9,795. be APPROVED for Gwynette Seymour, owner of a Second Level Lodging Home, located at 60 West Avenue South.

NOTE: The loan is amortized over a ten year period at three percent interest and secured by a Lien on Title. The original loan amount was \$38,510. The new loan amount is \$48,305.

The Committee was in receipt of a report from the Director of Community Development dated 1988 March 24 respecting an application under the Second Level Lodging Home Programme.

Application -
Second Level
Lodging Home
Programme.

The Committee APPROVED the following:

That a rehabilitation loan in the amount of \$50,000. be APPROVED for Mrs. Zelda M. Daley, owner of a Second Level Lodging Home at 178 John Street North.

NOTE: The loan is amortized over a ten-year period at three (3) percent interest, and is secured by a Lien on Title.

The Committee was in receipt of a report from the Director of Community Development dated 1988 March 16 respecting an application under the Commercial Facade Loan Programme.

Application -
Commercial Facade
Loan Programme .

The Committee APPROVED the following:

That a Commercial Facade Loan in the amount of \$50,000. be APPROVED for Mr. Morty Morgenstern, owner of 207, 209, 211 and 213 James Street North.

NOTE: The interest rate will be 4-1/2 percent, amortized over ten years.

The Committee was in receipt of a report from the Director of Community Development dated 1988 March 18 respecting an application for a loan increase under the Commercial Facade Loan Programme.

Loan Increase -
Commercial Facade
Loan Programme.

The Committee APPROVED the following:

That a Commercial Facade Loan Programme loan increase in the amount of \$2,085. be APPROVED for Mr. Jerry Sherman, owner of 155, 157, 159 and 161 James Street North.

NOTE: The total loan would now be \$10,935.

The Committee was in receipt of a report from the Director of Community Development dated 1988 March 23 respecting an application under the Commercial Facade Loan Programme.

Application -
Commercial Facade
Loan Programme.

The Committee APPROVED the following:

That a Commercial Facade Loan in the amount of \$30,000. be APPROVED for Wildred Gerofsky, Richard Gerofsky and Molly Gerofsky, owners of 123-125 King Street East and 7-11 Catharine Street North.

NOTE: The interest rate will be 4-1/2 percent, amortized over 10 years.

Purchase Order -
Concrete Noise
Barrier Fence,
Central Memorial
Recreation Centre.

The Committee was in receipt of a report from the Manager of Purchasing dated 1988 March 18 respecting a purchase order for a concrete noise barrier fence, at Central Memorial Recreation Centre.

The Committee APPROVED the following:

That a purchase order be issued to Royal Fence Ltd., London in the amount of \$34,995. for the installation of a Concrete Noise Barrier Fence, Central Memorial Recreation Centre for the Community Development Department, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Lowest of five (5) tenders received. Funds provided in Contractual Services Account #0405-P8-201.

Purchase Order -
Parking, Driveway
and Service Access
facilities -
Corktown Stinson.

The Committee was in receipt of a report from the Manager of Purchasing dated 1988 March 25 respecting a purchase order for Parking, Driveway and Service Access facilities in Corktown Stinson.

The Committee APPROVED the following:

That a purchase order be issued to Associated Paving, Mississauga in the amount of \$75,487. for the installation of Parking, Driveway and Service Access facilities, Corktown Stinson, for the Community Development Department, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Lowest of five (5) tenders received. Funds provided in Central Memorial Recreation Centre Paving Account #0405-T9.

Cash payment in
lieu of 5%
Parkland Dedication.

The Committee was in receipt of a report from the Commissioner of Engineering dated 1988 March 23 respecting cash payment in lieu of 5% parkland dedication.

The Committee APPROVED the following:

That the Corporation of the City of Hamilton accept the sum of \$30,000. as cash payment in lieu of 5% dedication in connection with "ALMAS GARDENS - PHASE 5", Hamilton, this being the cash requirement under Section 10 of the Planning Act.

NOTE: These lands are located west of Upper Paradise Road and north of Upper Horning Road in the Gurnett Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Engineering dated 1988 February 23 respecting a cash payment in lieu of 5% parkland dedication.

Cash payment in lieu of 5% Parkland Dedication.

The Committee APPROVED the following:

That the Corporation of the City of Hamilton accept the sum of \$9,883.62 as cash payment in lieu of 5% dedication in connection with "ASPEN WEST - PHASE 3", Hamilton, this being the cash requirement under Section 50 of the Planning Act.

NOTE: These lands are located west of Upper Wentworth Street and south of the proposed Mountain Freeway in the Crerar Neighbourhood.

The Committee was in receipt of a report from the Director of Property dated 1988 March 23 respecting a proposed extension of closing date for a City sale to Nash and Morison for property at 265 York Boulevard.

Extension of closing date - City Sale to Nash and Morison - 265 York Boulevard.

The Committee APPROVED the following:

- (a) That an Offer to Purchase an irregular shaped parcel of vacant land located on the southerly limit of York Boulevard between Hess Street North and Queen Street North from Douglas L. Nash and Brian W. Morison, scheduled for closing on or before 1988 March 1st, be extended to close on or before 1988 April 25th.
- (b) That interest is to be paid on the selling price at the prime rate of interest charged by the C.I.B.C. from 1988 March 1st to the date of closing.
- (c) That this extension is to be granted on the understanding that all other terms and conditions agreed to within the Offer to Purchase will remain unchanged, and time will remain of the essence.

The Committee was in receipt of a report from the Secretary of the L.A.C.A.C. dated 1988 March 17 respecting the designation of the former Canadian Westinghouse Head Office Building at 286 Sanford Avenue North.

Designation - Former Canadian Westinghouse Head Office Building, 286 Sanford Avenue North.

Alderman Ross declared a conflict of interest in this matter as he works for the present owner. The Alderman then refrained from any discussion on this matter.

The Committee APPROVED the following recommendation:

- (a) That APPROVAL be given to the "Intent to Designate" the property at 286 Sanford Avenue North as a property of Historical and Architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, as outlined in the Reasons for Designation herewith attached and marked APPENDIX "F".
- (b) That the City Solicitor be authorized and directed to take appropriate action to have the property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

Payment of fees -
Weir and Foulds.

The Committee was in receipt of a report from the City Solicitor dated 1988 March 4 respecting payment of fees - Weir and Foulds re: Butler et al vs City/Architects Fees re: Library Farmers Market.

The Committee APPROVED the following:

That the interim account of Weir and Foulds, Barristers and Solicitors dated 1988 February 25th, in the amount of \$5,898. for fees and \$127.16 for disbursements for a total of \$6,025.16 be paid.

NOTE: This account covers services from 1988 January 1st to 1988 February 8th.

National Conference
on Downtown
Revitalization.

The Committee was in receipt of information respecting the National Conference on Downtown Revitalization to be held in Toronto in May.

The Committee APPROVED the following:

That the Chairman or his designate be authorized to attend the National Conference on Downtown Revitalization to be held in Toronto on 1988 May 8, 9, 10, 11.

Alderman Christopherson indicated that he would be interested in attending some of the sessions of the Conference.

Business Watch
Steering Committee.

The Committee was in receipt of a request from Business Watch for a member of City Council to volunteer to serve on their Steering Committee.

The Committee AGREED that the Secretary should forward a memo to all members of City Council asking for a volunteer to serve on this Steering Committee.

2A87-28 -
to amend the "A"
and "AA"
District
regulations.

The Committee was in receipt of a report from the Director of Local Planning respecting an application for an amendment to the "A" and "AA" District Regulations.

Mr. Norris, the applicant, was in attendance at this meeting and addressed the Committee on his purpose for his application. Mr. Zipay of the Planning Department advised the Committee that Mr. Norris's application should be amended to include a request to delete a particular clause from the Zoning By-law which exempts parks from By-law 6593.

Mr. Norris indicated that his intent for the application is to allow the Public to have input on any parkland development.

It was then moved by Alderman Ross, seconded by Alderman Agostino and carried to APPROVE the following recommendation:

- (a) That Zoning Application 87-28, John Norris, applicant, requesting a general amendment to the "A" (Conservation, Open Space, Park and Recreation) District and "AA" (Agricultural) District BE TABLED, pending the completion of a review of the "A" and "AA" District Provisions.
- (b) That the Planning and Development Department, in conjunction with other City Departments, be directed to undertake a review of the "A" and "AA" District Zoning Provisions as a "Demand Responsive Project" under the 1988 Work Programme, subject to the availability of time. Alternatively, the review is to be included as a "Special Project" with top priority under the 1989 Work Programme.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 March 10th respecting the proposed Amendment 33 to the Niagara Escarpment Plan.

Proposed Amendment 33 -
Niagara Escarpment Plan

The Committee APPROVED the following:

That the City Clerk notify the Clerk of the Regional Municipality of Hamilton-Wentworth that the City of Hamilton does not object to the proposed Amendment 33 to the Niagara Escarpment Plan.

NOTE: The Niagara Escarpment Commission has requested the City of Hamilton to comment on proposed Amendment 33 to the Niagara Escarpment Plan which has been initiated by the Hamilton Region Conservation Authority. The Amendment will allow the proposed "Iroquoia Heights Conservation Area" to be included in the Niagara Escarpment Parks System. The subject lands are entirely located in the Town of Ancaster. In addition, other minor changes to the Plan's parks policies are proposed to bring the Plan up-to-date.

The proposed amendment to the Niagara Escarpment Plan would not adversely affect the planning interest in the City of Hamilton.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 March 23 respecting Site Plan Control Application DA-87-86 respecting property at 590 Nash Road.

Site Plan Control
Application DA87-86 -
590 Nash Road.

Mr. Sakala of the Planning Department indicated that there would be an amendment to the Site Plan Control Application from six Fir Trees to three Fir Trees.

The Committee APPROVED the following recommendation:

- (a) That approval be given to Site Plan Control Application DA-87-86 by Oshawa Holdings Limited, owner, of the lands at 590 Nash Road for a phased expansion of the existing warehouse for Lang's Cold Storage facility, subject to the following:
 - (a) Modification to the plans related to notes, dimensions and grades as marked in red in the plans; and,
 - (b) Provision of a note on the plan indicating the phasing of development and plantings, locations of plantings on the road allowance and a note indicating that the tree plantings of Stage 2 will occur not later than 2 years after registration of the amending agreement; and further
- (c) That in regards to Site Plan Control Application DA-87-86 by Oshawa Holdings Limited, owner of lands at 590 Nash Road for an expansion of the existing Lang's Cold Storage facility, that the existing Site Plan Control Agreement registered on 1984 May 22, as Instrument No. 280948 C. D. be amended by replacing Schedule "A", Drawing H-043 with the planting plan for Site Plan Control Application DA-87-86 by EDA Collaborative Inc. dated 1988 March 2, revised as per the requirement of the City of Hamilton.

NOTE: The existing registered Site Plan Control Agreement provides for landscaping and parking and loading areas to be located on lands 11.82m x 311.603m (38.78 ft. x 1022.32 ft.) abutting Confederation Drive and plantings on the road allowance. The applicant has requested an amendment to the plans to permit a phased expansion of the facility in the area under Site Plan Control and provision of four landscaped areas of approximately 4.5m in width and 34m, 24m, 100m and 24m in length within the property and two landscape areas of approximately 1.5m in width and 48m and 75m in length on the road allowance.

Public Meeting -
High Density
Residential
Development Study.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 March 23 respecting authorization for a Public Meeting - High Density Residential Development Study.

Administering
Lot Grading Policy.

The Committee was in receipt of a report from the Secretary of the Planning and Development Committee dated 1988 March 25 respecting Administering Lot Grading as per the Recommendations of the Task Force on Lot Grading approved by City Council on 1988 February 23.

Alderman Christopherson requested that when staff looks at this that they analyse how other communities handle this matter and who pays for the cost.

The Committee then APPROVED the following recommendation:

That staff be directed to compile a report on the Administrative and Budget Requirements needed to Comply with the Enforcement of the City of Hamilton's recently approved Lot Grading Policy.

ZA87-122 -
94 Park Street
North.

The Committee was in receipt of a resolution which was referred back by City Council at its meeting held Tuesday, 1988 March 29 respecting Zoning Application 87-122 for property at 94 Park Street North.

Mr. Waters spoke to the Committee in response to queries about his Mother who resides in the basement apartment at 94 Park Street North. At this point the Committee agreed to move in camera in order to discuss the health of Mrs. Waters.

The Committee then moved out of camera and discussed this application.

Mr. Miller Sr. advised the Committee that the new owners will take possession on 1988 March 31. He advised that they will serve a 120 day Notice of Change of Use to Mrs. Waters which will be effective 1988 August 12. The notice will be served on 1988 April 13 which is the day she pays her rent.

Following discussion on this matter by the Committee, it was moved by Alderman McCulloch, seconded by Alderman Christopherson and carried to DENY this application as follows:

(A) That Zoning Application 87-122, 566055 Ontario Inc., (V. Zipp, President), prospective owner, requesting a change in zoning from "L-c" (Planning Development - Commercial) District to "H" (Community Shopping and Commercial, etc.) District, modified to permit the conversion of the existing building to a business office for a security and protection services and investigations firm for the property located at No. 94 Park Street North, as shown on the attached map marked as APPENDIX "G", BE DENIED for the following reason:

(a) The proposal would adversely affect the supply of affordable rental housing.

- (B) That Section 10 of the FOURTH Report for 1988 of the Planning and Development Committee approved by City Council on Tuesday, 1988 February 23rd giving conditional approval to Zoning Application 87-122 BE RESCINDED.

There being no further business, the meeting then adjourned.

Adjournment.

Taken as read and approved,

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Mrs. Susan K. Reeder
Secretary
1988 March 30

FOR ACTION

REPORT TO: THE PLANNING AND DEVELOPMENT COMMITTEE

FROM: P. KUPPE, BUILDING COMMISSIONER

DATE: April 6, 1988

COMM. FILE:

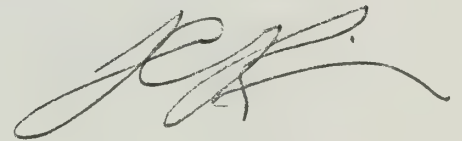
DEPT. FILE:

SUBJECT:

DEMOLITION

RECOMMENDATION:

THAT THE BUILDING COMMISSIONER BE AUTHORIZED TO ISSUE
DEMOLITION PERMITS FOR THE DEMOLITION OF THE RESIDENTIAL
BUILDINGS AS LISTED BELOW.



FINANCIAL IMPLICATIONS: N/A

BACKGROUND:

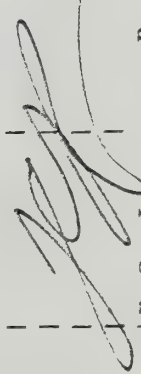
1. 88 AURORA AVENUE
2. 194 FOREST AVENUE

BUILDING DEPARTMENT

DEMOLITION CONTROL

CATEGORY "A" - PROPOSED USE OF LAND IS PERMITTED BY PRESENT ZONING

ITEM	ADDRESS	PRESENT USE	PROPOSED USE	LOT SIZE	OWNER	ZONE	RECOMMENDATION
1.	88 Aurora Ave.	S.F.D.	Multiple Dwelling	233.5 X 208.9	Corktown Co-Op Homes Inc.	"DE-3/S -970"	It is recommended that the Committee approve demolition.
2.	194 Forest Ave.	S.F.D.	Multiple Dwelling	233.5 X 208.9	Corktown Co-Op Homes Inc.	"DE-3/S -970"	It is recommended that the Committee approve demolition.


 P.C. Lammman, P. Eng.
 Director of Plan Examination

FOR ACTION

REPORT TO: Planning and Development Committee

FROM: Mr. E. W. Kowalski, Director
Department of Community Development

DATE: 1988 Apr. 07

COMM FILE:

DEPT FILE: 800-0220.4

SUBJECT

Kirkendall-Strathcona Neighbourhood Improvement Programme/
Kirkendall Strathcona Neighbourhood House (Wesley Urban
Ministries); 1987 Annual Audited Statements.

RECOMMENDATION

That the audited financial statements and annual report for the Kirkendall-Strathcona Neighbourhood House for 1987 be adopted.

Note: Wesley Urban Ministries submits Annual Statements for the Wesley Centre and the subject Neighbourhood House inclusive. The City of Hamilton has a "requirements for Mortgage/Agreement" with the Ministry for the Neighbourhood House only, under the Neighbourhood Improvement Programme, implemented in 1981. A copy of this report is available on request from the Planning and Development Committee Secretary.

E. Kowalski

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

N/A

BACKGROUND

On 1981 July 27, the City of Hamilton entered into an Agreement with Wesley Urban Ministries/Trustees of the Zion Congregation of the United Church of Canada to cover the terms and conditions of repayment of the sum of \$375,000.00 for the renovation of the Zion United Church to provide community and recreational services to the neighbourhood under the Neighbourhood Improvement Programme. This is a forgivable loan earned at \$41.05 per day until 1990. The Agreement stipulates that the audited financial statements and annual report for each year must be submitted to the City of Hamilton for approval.

FOR ACTION

REPORT TO:

Planning and Development Committee

FROM:

E. W. Kowalski, Director
Department of Community Development

DATE: April 05, 1988

COMM FILE:

DEPT FILE: 800-0300

SUBJECT:

Ontario Home Renewal Programme (O.H.R.P.)

RECOMMENDATION

That the one (1) application listed below be submitted to City Council for approval, authorizing the Department of Community Development to process a grant/loan in the amount not to exceed \$7,500. The actual amount of grant or loan to be determined by inspection of the property under the Property Standards By-law 74-74 and pursuant to Regulation 506 (R.R.O. 1980) under The Housing Development Act for the Ontario Home Renewal Programme.

E. Kowalski

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

N/A

BACKGROUND

The application listed below is currently being processed for a grant and/or loan pursuant to an amendment to The Housing Development Act, Regulation 506 (R.R.O. 1980).

For the information of the members of the Committee, the total number of applications to date under the Ontario Home Renewal Programme is three thousand eight hundred and forty-two (3,842).

A. Samotulka
23 Province Street North

FOR ACTION

REPORT TO: Planning and Development Committee

FROM: Mr. E. W. Kowalski, Director
Community Development Department

DATE: 1988 Apr. 07

COMM FILE:

DEPT FILE: 800-0602.8

SUBJECT

York Boulevard triangle, landscaping and financing.

RECOMMENDATION

- i) That the design of the York Boulevard triangle located at the northwest corner of James Street North and York Boulevard be approved at a total estimated cost of \$35,040 (attached as Schedule 'A') as presented by F. Basciano Landscape Architects Limited; and,
- ii) That the Executive Committee be requested to recommend the method of financing the implementation of this landscaping plan; and,
- iii) That F. Basciano Landscape Architects be authorized to proceed with the detailed design, tender documents and public tender process to implement the York Boulevard triangle landscaping plan.

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

See recommendation above.

BACKGROUND

On 1987 May 12, City Council adopted Section 5 of the 11th Report of the Executive Committee which recommended the design and implementation of the York Boulevard Streetscape at an estimated cost of \$100,000. This was also approved by the Planning and Development Committee on 1987 April 29. The \$100,000 estimated included the architectural design only of the City owned parcel of land located at the northwest corner of York Boulevard and James Street North (commonly referred to as the York Boulevard Parkette/Triangle).

The Planning and Development Committee is now being requested to approve this design and request the Executive Committee to provide the funding. F. Basciano will be present at this meeting to review the plan.

c.c.: Mr. D. Vyce, Director, Property Department
Mr. J. Pavelka, Director, Public Works Department
Mr. E. Matthews, City Treasurer, Treasury Department
Mr. J. Schatz, Secretary, Executive Committee

MEMORANDUM • CITY OF HAMILTON

March 23/88
800-Old-8
867-15

TO : Mr. E.W. Kowalski
Director
Community Development

YOUR FILE :

88/5/24

FROM : Mr. D.W. Vyce
Director of Property

OUR FILE :

SUBJECT : York Street
Triangle Improvements

DATE : March 22, 1988

Further to our letter to you of February 12, 1988 in regards to the above, I understand the Downtown Hamilton Action Plan Co-ordinating Committee is asking, in a more definite tone, as to whether there will be any uncommitted funds in York Boulevard Parkade Account once the construction is complete and final payments are made in April/May of this year and whether these funds could be earmarked towards landscaping the triangular shaped parcel of land at York Boulevard and James Street North.

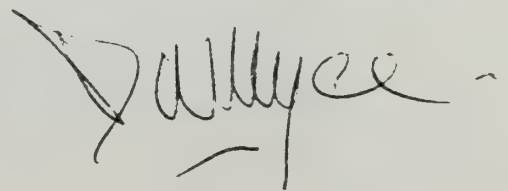
As I indicated, our Project Manager has informed us to expect uncommitted monies in the approximate amount of \$135,000 to \$150,000.

As to whether any portion of these funds can be utilized to finance the improvements to land at York and James Streets, I believe this is a decision City Council must ultimately make, after considering the comments of the City Treasurer.

From my point of view, I have no objections to approximately \$30,000 of the funds being utilized to finance the aforementioned improvements to land since it will still leave an uncommitted balance to cover the unforeseen and when all is said and done, the improvements will enhance the area and the aesthetics of the Parkade.

I hope this clarifies my position on this matter.

Incidentally, Mr. Peter Baker of the Parking Authority concurs with my comments.



DWV:ap

c.c. - Mr. Peter Baker, General Manager
Parking Authority for the City of Hamilton

FRANK BASCIANO
LANDSCAPE ARCHITECTS LTD.

P.O. Box 1279 Waterdown Ontario L0R 2H0 (416) 689-7460

DOWNTOWN HAMILTON ACTION PLAN STREETScape
YORK BOULEVARD PARKETTE

ESTIMATE OF DEVELOPMENT COSTS December 9, 1987

ITEM	QTY	UNIT COST	ITEM TOTAL

HARD LANDSCAPE ITEMS			
.1 Curbing	5.5 m @	\$75.00 =	\$412.50
.2 Flush Curbing	58 m @	\$85.00 =	\$4,930.00
.3 Seat Wall	12 m @	\$100.00 =	\$1,200.00
.4 Concrete Paving	6 m2 @	\$85.00 =	\$510.00
.5 Concrete Unit Paving	70 m2 @	\$85.00 =	\$5,950.00
.6 Benches	3 ea @	\$1,000.00 =	\$3,000.00
		SUBTOTAL	\$16,002.50
PLANTING			
.7 Deciduous Trees	9 ea @	\$400.00 =	\$3,600.00
.8 Evergreen Trees	6 ea @	\$350.00 =	\$2,100.00
.9 Deciduous Shrubs	162 ea @	\$25.00 =	\$4,050.00
.10 Evergreen Shrubs	23 ea @	\$45.00 =	\$1,035.00
.12 Planting Soil	54 m3 @	\$30.00 =	\$1,620.00
.13 Sodding	50 m2 @	\$10.00 =	\$500.00
.14 Mulch	90 m2 @	\$3.25 =	\$292.50
		SUBTOTAL	\$13,197.50
		TOTAL CONSTRUCTION	\$29,200.00
		FEES & CONTINGENCY	\$5,840.00
		TOTAL IMPROVEMENT COST.....	\$35,040.00

31

FOR ACTION

REPORT TO: Planning and Development Committee

FROM: Mr. E. W. Kowalski, Director
Community Development Department

DATE: 1988 Apr. 07
COMM FILE:
DEPT FILE: 800-0608
800-0609

SUBJECT:

Crown Point West/Stipeley Programme for Renewal, Improvement, Development and Economic Revitalization (PRIDE); Authority to proceed with details.

RECOMMENDATION

That, F. Basciano Landscape Architects Limited be authorized to proceed with the final details and tender documents for the following Crown Point West/Stipeley PRIDE projects at a gross estimated construction cost of \$654,000: Clinton St. site, King St. East site, Hayward site, Memorial School site, Holy Name of Jesus site and Street Tree Planting.

E. Kowalski

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

Ontario Municipal Board approval received 1988 February 04. The following is a breakdown of the total cost per site: Clinton St. site \$186,000, King St. East site \$25,000, Hayward site \$33,000, Memorial School site \$10,500, Holy Name of Jesus site \$345,000, Street Tree Planting \$54,000. Total \$654,000.

BACKGROUND

For the information of the Committee members, the Parks and Recreation Committee approved the design concepts on 1988 April 05 (attached as Schedule 'A'). Upon approval of the above recommendation, F. Basciano will provide the City of Hamilton with the final tender documents for review by in-house staff and construction tender. You will note that there are two design concepts for the Holy Name of Jesus site (concepts attached as Schedule 'A'). If there are objections from the public, to the closure of Beck Street and a portion of Belview, then concept 'B' will be implemented.

c.c. Mr. R. Prowse, Secretary
Parks & Recreation Committee

Mr. D. Farquhar, Supervisor of Administrative Services
Culture and Recreation Department

Mr. K. Christenson, Development Co-ordinator
Public Works Department

Buffer Planting

Play Area
•SIMILAR OR SECONDARY
TO ADJACENT LARGER
AREA

Active Play Area
•CHILDRENS CLIMBERS, SLIDES, SWINGS
•SPRAY POST AREA
Seating Area

Play Court
•HARD SURFACED AREA
FOR BALL PLAY

Buffer Planting
•COMBINATION OF SCREENING
MATERIAL & SHADE TREES

Shade Trees

Seating Area

Open Play Area

Open Play Area
•WINTER RINK PROGRAM
•UNSTRUCTURED PLAY

CLINTON

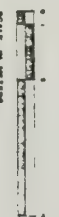
RUTH STREET

Deciduous Canopy
•LOW PHYSICAL BARRIER
•VISUAL ACCESS THROUGH

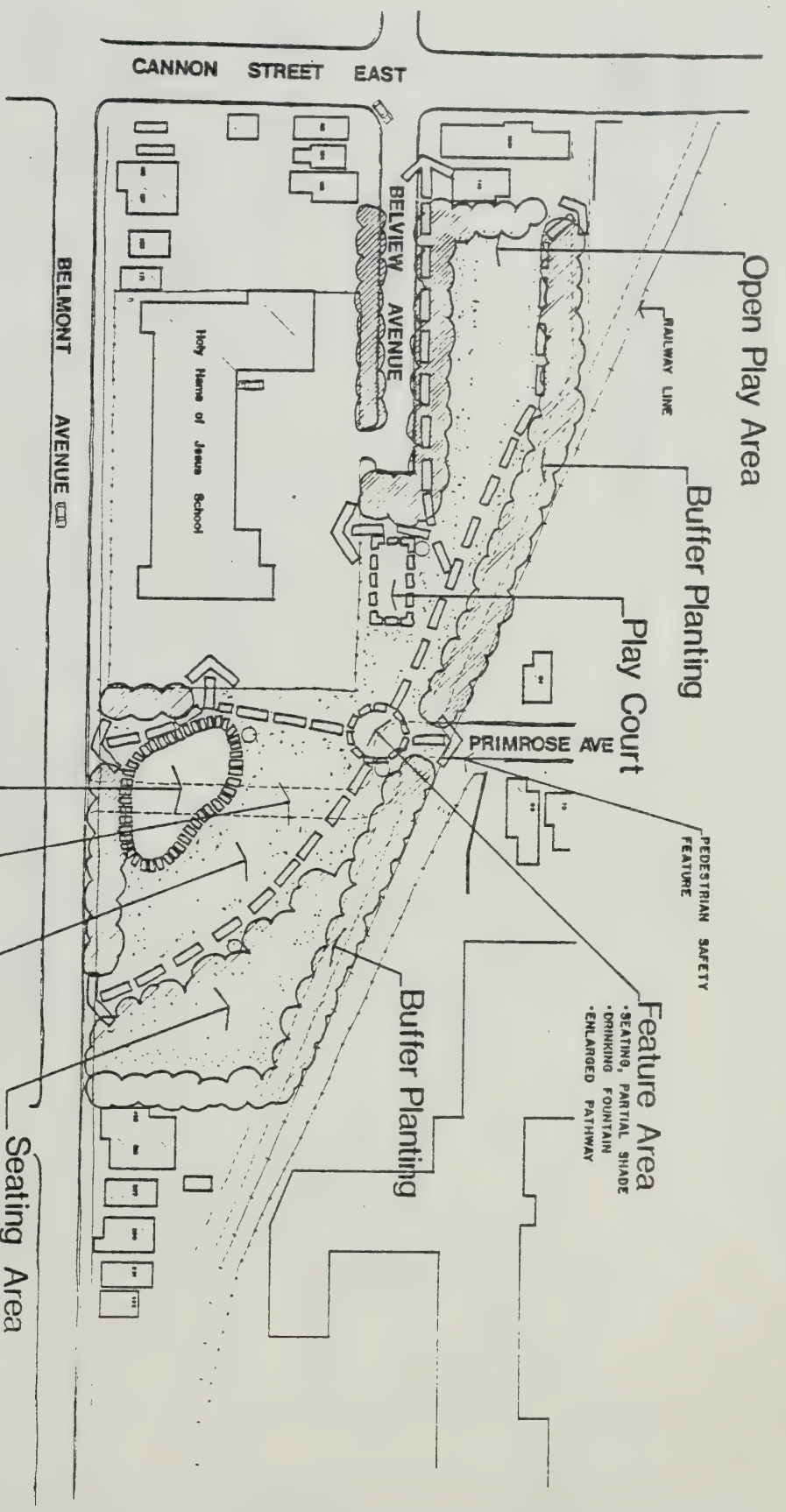
STREET

DEVELOPMENT CONCEPT

CLINTON STREET SITE



<p>STIPPLEY/CROWN POINT WEST PRIDE CITY OF HAMILTON REGIONAL MUNICIPALITY OF HAMILTON - HAMILTON</p>	<p>FRANK BAYLMO LANDSCAPE ARCHITECTS LTD. HAMILTON, ONTARIO</p>	<p>DATE: 1/90 SCALE: 1/8" = 1'-0"</p>	<p>PROJECT: 100-178</p>
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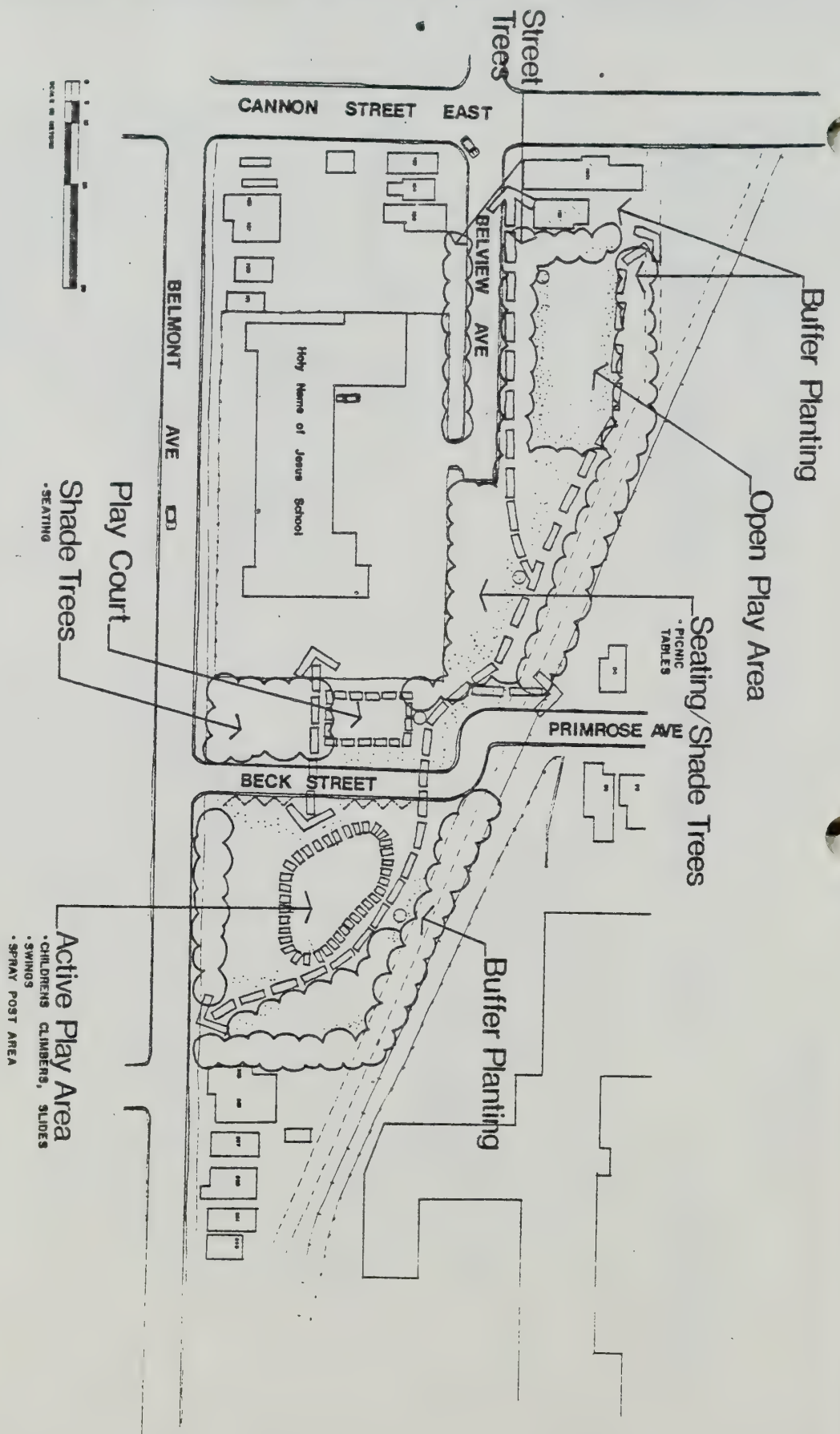
DEVELOPMENT CONCEPT A

HOLY NAME OF JESUS SITE

<p>STIPPLEY/CROWN POINT WEST PRIDE</p> <p>CITY OF HAMILTON DEPARTMENT OF PLANNING AND DEVELOPMENT</p>		<p>FRANK BASTIANO LANDSCAPE ARCHITECTS LTD.</p> <p>1000 SHEPPARD AVENUE EAST SUITE 100 SCARBOROUGH, ONTARIO M1S 1T5</p>		<p>DATE: 10/10/00 BY: [Signature] PROJECT: 00-119</p>	
<p>PRELIMINARY</p>					

DEVELOPMENT CONCEPT 'B'

HOLY NAME OF JESUS SITE

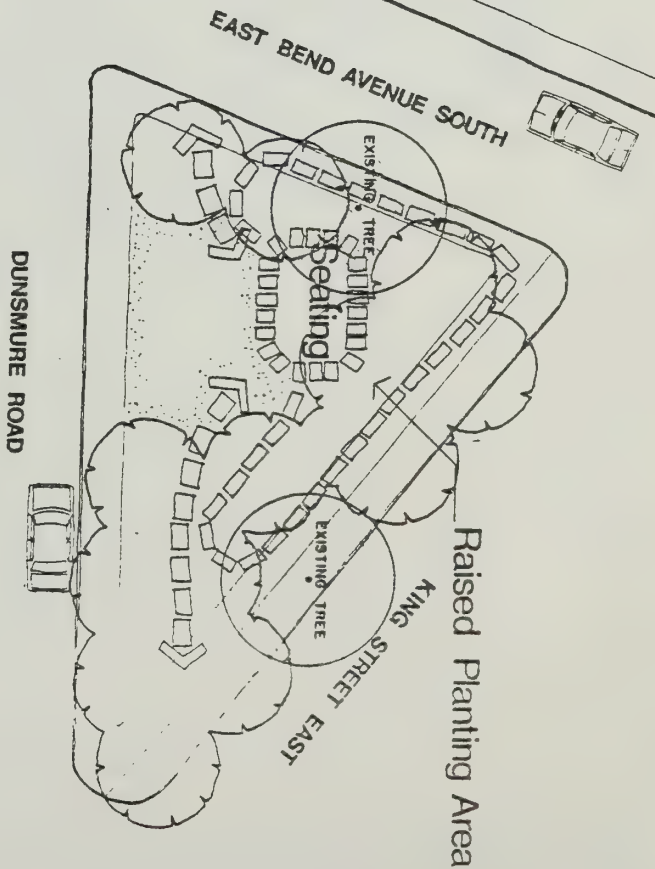
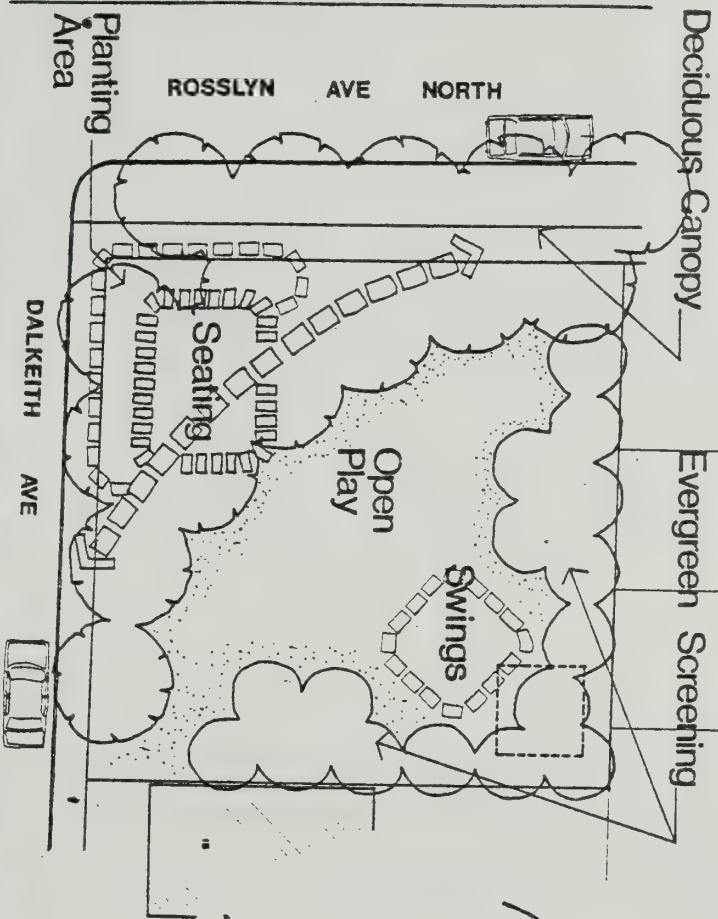


DATE	1800	DATE	08-10-00
BY	FRB	DESIGNED	FRB
CHECKED	FRB	PROJECT	08-10-00

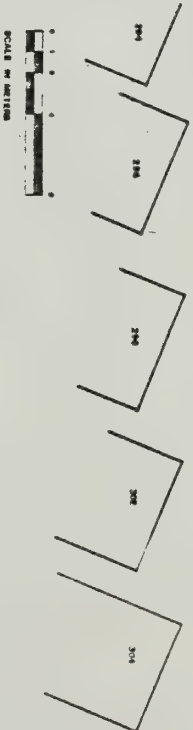
<p>STIPELEY/CROWN</p> <p>POINT WEST PRIDE</p> <p>CITY OF HANSTON</p> <p>REGIONAL INFRASTRUCTURE</p> <p>OR HANSTON WEST PRIDE</p>	<p>FRANK BACLAND</p> <p>LANDSCAPE</p> <p>ARCHITECTS LTD</p> <p>2000-0000-0000-0000</p>
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<p>LANDSCAPE PLAN</p> <p>PRELIMINARY</p>	<p>1:1000</p> <p>1:1000</p> <p>1:1000</p>
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DEVELOPMENT CONCEPT HAYWARD SITE



KING STREET EAST SITE



DATE	1-10-10	DATE	1-10-10
BY	FRANK	BY	FRANK
PROJECT	204	PROJECT	204



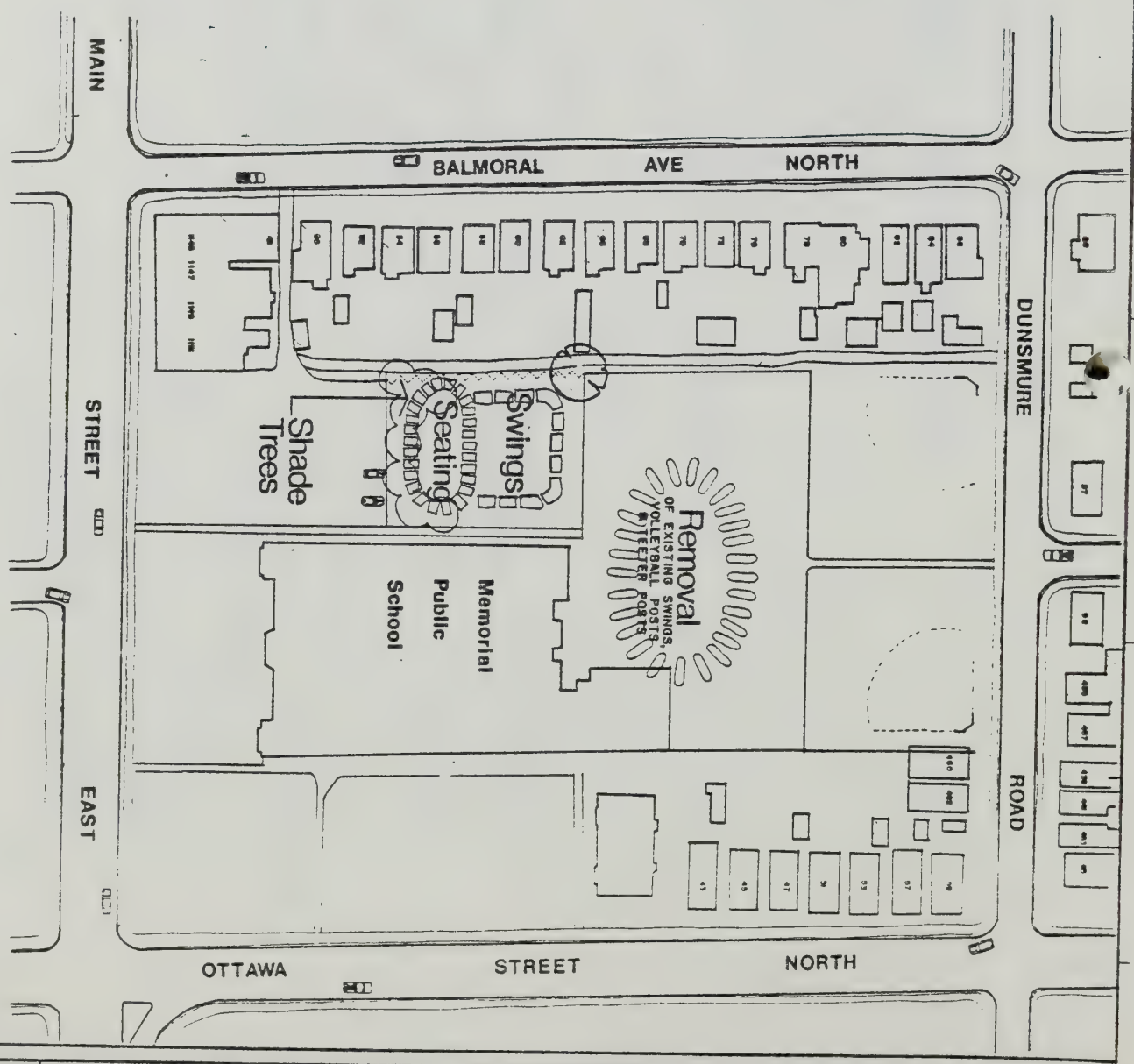
FRANK DUNSMORE
ARCHITECTS LTD.
Registered Architect in the City of Hamilton

STEELEY/CROWN
POINT WEST PRIDE
CITY OF HAMILTON
PROFESSIONAL ARCHITECT
OF HAMILTON WESTERN

LAUSCOTT LAM
PRELIMINARY

Schedule "A"

DEVELOPMENT CONCEPT MEMORIAL SCHOOL SITE



<p>STEELEY/CROWN POINT WEST PRIDE</p> <p>CITY OF VANCOUVER DEPARTMENT OF PLANNING AND DEVELOPMENT</p>		<p>FRANK RUSLAND LANDSCAPE ARCHITECTS LTD.</p>		<p>DATE: 1-10-00 SCALE: 1/8" = 1'-0"</p>	
<p>LANDSCAPE PLAN</p>		<p>PRELIMINARY</p>		<p>PROJECT NO. 172</p>	

32
(1)

FOR ACTION

REPORT TO: Planning and Development Committee

FROM: Mr. E. W. Kowalski, Director
Community Development Department

DATE: 1988 Apr. 07

COMM FILE:

DEPT FILE: 800-0602.4

SUBJECT

Phase IV of the Downtown Hamilton Action Plan; Design of the Jarvis Street Public Parking Lot.

RECOMMENDATION

- i) That Phase IV of the Downtown Hamilton Action Plan, Jarvis Street Public Parking Lot (revised design) (attached as Schedule 'A') be approved; and,
 - ii) That Moorhead Fleming Corban be authorized to proceed with the final construction documents and tender of the Jarvis Street Public Parking Lot.
- E. Kowalski*

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

The Consultants have estimated the cost of this project at \$417,465.00 (attached as Schedule 'B'). Ontario Municipal Board approval for expenditure of the total Phase IV funds was received in 1987 in the amount of \$1,429,000.

BACKGROUND

On 1987 November 25 the Planning and Development Committee approved the concept design of the Jarvis Street Public Parking Lot. Since that time, the Consultants and representatives from the Downtown Hamilton Action Plan Co-ordinating Committee have met with the effected merchants and revised some of the design to address their concerns about visibility. These property owners and merchants have been advised of this Planning and Development Committee meeting in order that, if they still have any concerns, they can be heard by the Committee members. A number of meetings have been held with Mr. E. Geisel, owner of the Hamilton Squash Club and Mr. R. Lewis, owner of Steel's Dining Room who are concerned about the visibility of their buildings.

To address these concerns, the Consultants have minimized the landscaping at the Jarvis Street entrance to the parking lot. The Consultants will be present at the Planning and Development Committee meeting to answer any questions and make a presentation of the lot design.

c.c. The Hamilton Parking Authority

COST ESTIMATE

**DOWNTOWN ACTION PLAN PHASE IV
JARVIS STREET SQUARE**

REVISED APRIL 5, 1988

Description	Quantity	Unit	Unit Cost	Total Cost
1. GENERAL REQUIREMENTS			LS	\$ 15,000.00
2. DEMOLITION				
a. Concrete sidewalk, concrete paving	162	m ²	8.00	\$ 1,300.00
b. asphalt paving @ parking area	1,770	m ²	3.50	6,200.00
@ street/lane	340	m ²	5.00	1,700.00
c. Interlock paving (palette)	100	m ²	5.00	500.00
d. Light fixtures (post)	2	LS		1,000.00
e. Concrete planters	4	LS		2,000.00
f. Bollards	6	LS		1,000.00
g. Tree removal	1	LS		400.00
h. Miscellaneous		LS		5,000.00
SUB TOTAL				\$ 19,100.00
3. UTILITIES				
a. Catch basin/manhole adjustments	2	EA	375	\$ 750.00
b. Electrical rewiring		LS		4,000.00
c. Re-guying hydro pole		LS		500.00
d. Contingency utility adjustments		LS		5,000.00
SUB TOTAL				\$ 10,250.00
4. EARTHWORK				
a. Excavation	690	m ³	12.00	\$ 8,300.00
b. Filling	150	m ³	35.00	5,300.00
c. Grading	2540	m ²	2.00	5,100.00
d. Topsoil 2.48m ³ x 39	99.2	m ³	20.00	2,000.00
SUB TOTAL				\$ 20,700.00
5. PAVING & CURBING				
a. Concrete curb	191	m	45.00	\$ 8,595.00
b. Concrete band	328	m	50.00	16,400.00
c. Paving repair		LS		3,000.00
d. Light duty asphalt (parking)	1,080	m ²	18.00	19,440.00
e. Heavy duty asphalt (street, laneway)	280	m ²	25.00	7,000.00
f. Light duty paving	330	m ²	60.00	19,800.00
g. Heavy duty paving on concrete base	260	m ²	110.00	28,600.00
SUB TOTAL				\$102,835.00

-2-

6. TREES	39	EA	400.00	\$ 15,600.00
7. MISCELLANEOUS				
a. Bollards	46	EA	500.00	\$ 23,000.00
b. Pedestrian lights c/w fixtures	11	EA	3,000.00	33,000.00
c. Signage installation		LS	1,000.00	1,000.00
d. Ticket dispenser	1	EA	15,000.00	15,000.00
e. Guard rail @ parking area	31	m	80.00	2,480.00
f. Trees c/w grates	39	EA	600.00	23,500.00
g. Concrete seat wall/bench		LS		3,000.00
h. Signage		LS	3,000.00	3,000.00
SUB TOTAL				<u>\$103,980.00</u>
8. ARCHITECTURAL FEATURE				
a. Clocktower		LS	100,000.00	<u>\$115,000.00</u>
GRAND TOTAL				<u>\$402,465.00</u>

3e.
(ii)

FOR ACTION

REPORT TO: Planning and Development Committee

FROM: Mr. E. W. Kowalski, Director
Department of Community Development

DATE: 1988 Apr. 07

COMM FILE:

DEPT FILE: 800-0602.4

SUBJECT:

Phase IV Laneway Lighting Programme; Attachment of light fixtures on privately owned buildings adjacent to alleyways.

RECOMMENDATION

- i) That, the Downtown Hamilton Action Plan Phase IV Laneway Lighting Programme be approved at an estimated cost of \$30,000.; and,
- ii) That the City Solicitor be authorized to prepare the necessary legal agreements to attach and maintain the lighting fixtures to private property; and,
- iii) That the Mayor and City Clerk be authorized to execute the agreements referenced in (ii) above.

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

Cost for purchase and installation of these fixtures is included in the Phase IV budget of \$1,429,000.

BACKGROUND

As the Committee is no doubt aware, Phase IV of the Downtown Action Plan includes improvements to laneways and parking lots within the Downtown Action Plan study area. The Consultant has identified two (2) major elements of the improvements as "clean-up" and "light-up" of the laneways. Similar to the City of Toronto, we are proposing that, because of restricted space, luminaires be attached to adjacent building faces rather than being pole mounted. This will require a legal agreement between the City and/or its agents and each property owner. There will be approximately 30 property owners effected by this with buildings fronting on King Street East between James and Wellington Streets. Both the City and the Consultant (Moorhead Fleming Corban) have met with many of the effected owners and they have strongly supported the lighting project. Hamilton Hydro Electric System have reviewed and chosen the fixture as a Sylvania "Alleycat" 100 watt luminaire.

c.c.: R. C. Roszell
City Solicitor's Department

FOR ACTION

MAR 28 1988

REPORT TO: Mrs. S. Reeder, Secretary
PLANNING & DEVELOPMENT COMMITTEE

FROM: Mr. D.W. Vyce, Director of Property

DATE: March 25, 1988

COMM FILE:

DEPT FILE: 100.11.98
(4505)

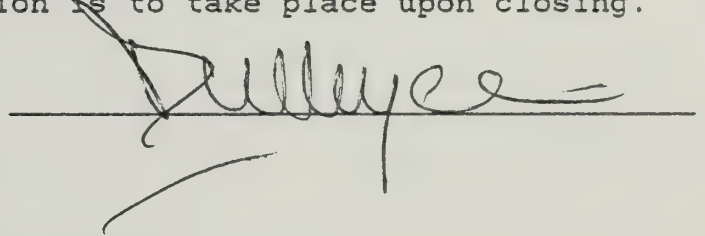
SUBJECT:

Purchase by the City
407 Sherman Avenue North - Dennis Rados

RECOMMENDATION

That an Option to Purchase the property at 407 Sherman Avenue North duly executed by Dennis Rados on March 23, 1988 and scheduled to close on or before June 20, 1988 be completed.

Note: This property is required in connection with the acquisition of lands in the Alpha Enclave (West) Plan I and has a frontage of 6.224 metres (20.420 feet) more or less, by a depth of 27.432 metres (90 feet) more or less, and containing an area of 170.73² metres (1,837.8 square feet) more or less, together with all structures erected thereon. The purchase price of \$71,750.00 in accordance with Schedule "A" attached, and all costs and associated expenses, including Tenant's Moving Allowance, to be charged to Account #0408-W75266. Demolition is to take place upon closing.



FINANCIAL IMPLICATIONS

There will be revenue generated by the disposal of the assembled lands. The amount is not known at this time.

Continued...

BACKGROUND

We attach hereto an Option to Purchase from Dennis Rados for the purchase by the City of part of Lot 7, Plan 547, having a frontage along the westerly limits of Sherman Avenue North of 6.224 metres (20.420 feet) more or less by a depth of 27.432 metres (90 feet) more or less, containing an area of 170.73 metres squared (1,837.8 square feet) more or less, together with all structures erected thereon and known as Municipal No. 407 Sherman Avenue North, Hamilton for the sum of \$71,750.00.

Attach.

- c.c. - Mr. K.A. Rouff, City Solicitor
- Mr. E.C. Matthews, City Treasurer
 - Mr. M. Chidley, Regional Surveyor
 - Mr. R. Swan, Manager, Property Maintenance Division
 - Mr. P. Kuppe, Building Commissioner
Attention: Monica German

MAR 30 1988

FOR ACTION

REPORT TO: Mrs. S. Reeder, Secretary
PLANNING & DEVELOPMENT COMMITTEE

FROM: Mr. D.W. Vyce, Director of Property

DATE: March 28, 1988

COMM FILE: 40.15.65
DEPT FILE: (4504)

SUBJECT:

Sale - Part 10, Plan 62R-6188 - (36 Keefer Court)
Kenora Industrial Park - Aiden Tuite -

RECOMMENDATION

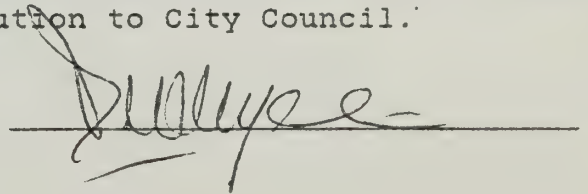
That an Offer to Purchase the lands of The Corporation of the City of Hamilton duly executed on March 15, 1988, by the Purchaser, Aiden Tuite and scheduled for closing on June 6, 1988, be approved and completed.

The purchase price is \$56,600.00 and the funds are to be credited to account 0280-02 - Reserve for Property Purchases. A deposit cheque in the amount of \$5,660.00 is being held by the City Treasurer pending Council approval.

It is understood and agreed that the Vendor, upon completion of this transaction will pay a 5% real estate commission to Dunn Realty Inc., whose agent, Mr. Jack Dunn acted in this matter.

The property is composed of a parcel of land located on the southern limit of Keefer Court having a frontage of 37.016 metres (121.44 feet) by a depth of 59.496/92.310 metres (195.19 feet/302.85 feet) and containing an area of 2,863 square metres (.7075 acres) and more particularly described as Part 10, Plan 62R-6188 (36 Keefer Court).

This transaction includes special building covenants, agreements and restrictions which are set out on the pages attached hereto, which terms should be included in the Committee's resolution to City Council.



FINANCIAL IMPLICATIONS

See above recommendation

March 28, 1988
Planning & Development Committee
Page 2

BACKGROUND

This department has received an inquiry from Mr. Jack Dunn on behalf of his client, Mr. Aiden Tuite, who wishes to purchase a three-quarter (3/4) acre site on Keefer Court on which he plans to build a 5,000 square foot industrial building for lease purposes.

Attach.

c.c. - Mr. K.A. Rouff, City Solicitor
- Mr. E.C. Matthews, City Treasurer
- Mr. M. Chidley, Regional Surveyor

6.1 The Purchaser acknowledges to the Owner that the Purchaser realizes that in addition to the sale price payable in this Offer to Purchase, there may be municipal, regional, governmental or provincial charges, fees, levies and rates to be paid by the Purchaser: in particular, without limiting the generality of the foregoing, the Purchaser realizes that he may also be required after the grant to him:

- (a) to pay municipal, realty and business taxes;
- (b) to pay City Local Improvement Charges for City services such as streets, sidewalks and curbs;
- (c) to pay Regional Local Improvement Charges for Regional services such as water supply, storm sewers and sanitary sewers;
- (d) to pay Regional Special Charge (sewer impost fee), upon application for a building permit;
- (e) to pay building permit application fee;
- (f) to pay for storm and sanitary sewers, water lines, their connections and laterals under the street and under the Purchaser's property;
- (g) to pay for the connection of all utilities to the premises;
- (h) to prepare and obtain approval of site plans pursuant to The Planning Act prior to the issuance of a building permit and to enter into a site plan agreement, if requested by the municipality;
- (i) to convey five percent (5%) of the land to the municipality for park purposes as a condition of development or redevelopment of the land for residential purposes;
- (j) to apply for a re-zoning of the property in the event that the Purchaser's proposed use of the property is not permitted by the zoning by-law. Such application is subject to the approval of the City and the approval of the Ontario Municipal Board.

6.2 This Agreement may not be assigned by the Purchaser. In particular and without limiting the generality of the foregoing statement, it is understood and agreed that only the Purchaser named herein shall take title on closing and the Purchaser does not have the right to direct the Owner to convey the land to the Purchaser in trust, to the Purchaser and another or to a new third party.

6.3 In consideration for the grant of the hereinbefore described land to the grantee, in addition to payment of the sale price to the grantor, the grantee covenants and agrees to and with the grantor:

1. That the grantee shall commence construction of a building, having a minimum building area of 5,000 square feet, upon the hereinbefore described land by not later than November 17th, 1988 *AT*

DEC 6th
Building area is the greatest horizontal area of a building within the outside surface of the exterior walls. Construction is considered commenced when the foundations have been installed as determined by the Office of the Building Commissioner.

2. That the grantee shall complete construction of the said building not later than November 17th, 1989 *AT*

DEC 17th
The building is considered completed upon the issuance by the Office of the Building Commissioner of a Final Inspection Report.

3. In the event that the grantee does not comply with covenants 1 and 2 or either of them by the date(s) set out therein, the grantee covenants and agrees that the grantee shall sell the lands to The Corporation of the City of Hamilton, free and clear

Continued.....1(b)

of all charges, encumbrances, liens, claims or adverse interests whatsoever - if requested by the City, for the sale price herein, (without any interest) - less (a) the herein deposit; (b) the commission paid (if any) by the City to a real estate agent; (c) arrears of realty taxes (including the local improvement charges), penalty and interest owing on them - and further, without increase or compensation for costs of any improvements, additions, alterations, services or structures on, in or under the said lands.

- 6.4 The Purchaser agrees that the restrictions, covenants and agreements in paragraph 6.3 shall not merge upon the closing of this transaction but shall continue in full force and effect for the benefit of the Vendor, its successors and assigns.
- 6.5 The Purchaser agrees that the deed to him which he shall execute shall be subject to and include said paragraph 6.3 and its restrictions, covenants and agreements.

5a

F O R A C T I O N

REPORT TO: MR. J. D. THOMPSON, SECRETARY
 PLANNING & DEVELOPMENT COMMITTEE

FROM: J. R. G. LEACH, COMMISSIONER
 REGIONAL ENGINEERING DEPARTMENT

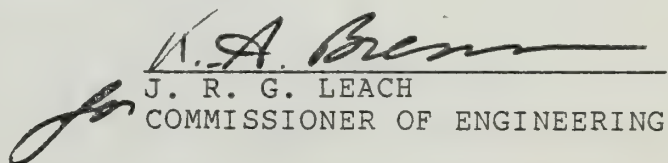
DATE: 1988 April 05
COMM FILE:
DEPT FILE: S720-22
ID#0008D

SUBJECT:

"TEMPLEMEAD NO. 2 SURVEY - PHASE 5"
(Cash Payment in Lieu of 5% Parkland Dedication)

RECOMMENDATION

The Corporation of the City of Hamilton accept the sum of \$20,863.50 as cash payment in lieu of 5% dedication in connection with "TEMPLEMEAD NO. 2 SURVEY - Phase 5", Hamilton, this being the cash requirement under Section 50 of the Planning Act.


J. R. G. LEACH
COMMISSIONER OF ENGINEERING

FINANCIAL IMPLICATIONS:

The cash amount that is to be included in the City Subdivision Agreement in lieu of the Subdivider dedicating 5% of the lands in the plan, has been calculated to be \$20,863.50.

BACKGROUND:

The owners of the lands for the above referenced subdivision will be executing a Subdivision Agreement with the City of Hamilton in the near future. A copy of the Final Survey Plan is attached for your information.

In accordance with normal City procedures, the City and Regional staff have completed the calculations for the 5% cash payment in lieu of Parkland dedication, as provided for under Section 50 of the Planning Act.

Note: These lands are located west of Upper Ottawa Street and south of Stone Church Road in the Templemead Neighbourhood, Hamilton.

DVC:sm
Attach.

cc: D. Consoli, City Treasury, Dept.
cc: D. Powers, City Solicitor's Office

SCALE 1 : 750



SCALE 1 : 750

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1998-1999

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TOSCANA DEVELOPMENT LTD

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© 2000 Blackwell Science Ltd

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Legend:

- ☐ DENOTES A SUSPECT MOVEMENT PLANTS
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- ☐ OR ☐ DENOTES A SIGNARD FROM BAR
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RECEIVED THE FOLLOWING INFORMATION FROM THE
BUREAU OF THE INSURANCE COMPANY OF THE STATE OF
NEW YORK ON A FORM OF A 10-11

A. J. Clark & Associates
 1000 15th St. N.W. • Washington, D.C. 20004
 (202) 462-1100 • Telex 171111 • Cable 171111

56

F O R A C T I O N

REPORT TO: MR. J. D. THOMPSON, SECRETARY
 PLANNING & DEVELOPMENT COMMITTEE

FROM: J. R. G. LEACH, COMMISSIONER
 REGIONAL ENGINEERING DEPARTMENT

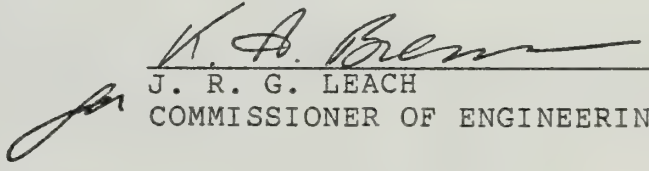
DATE: 1988 April 05
COMM FILE:
DEPT FILE: S705-21
ID#0008D

SUBJECT:

"EAGLEWOOD ESTATES - PHASE 1", Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)

RECOMMENDATION

The Corporation of the City of Hamilton accept the sum of \$38,525.00 as cash payment in lieu of 5% dedication in connection with "EAGLEWOOD ESTATES - PHASE 1", Hamilton, this being the cash requirement under Section 50 of the Planning Act.



J. R. G. LEACH
COMMISSIONER OF ENGINEERING

FINANCIAL IMPLICATIONS:

The cash amount that is to be included in the City Subdivision Agreement in lieu of the Subdivider dedicating 5% of the lands in the plan, has been calculated to be \$38,525.00.

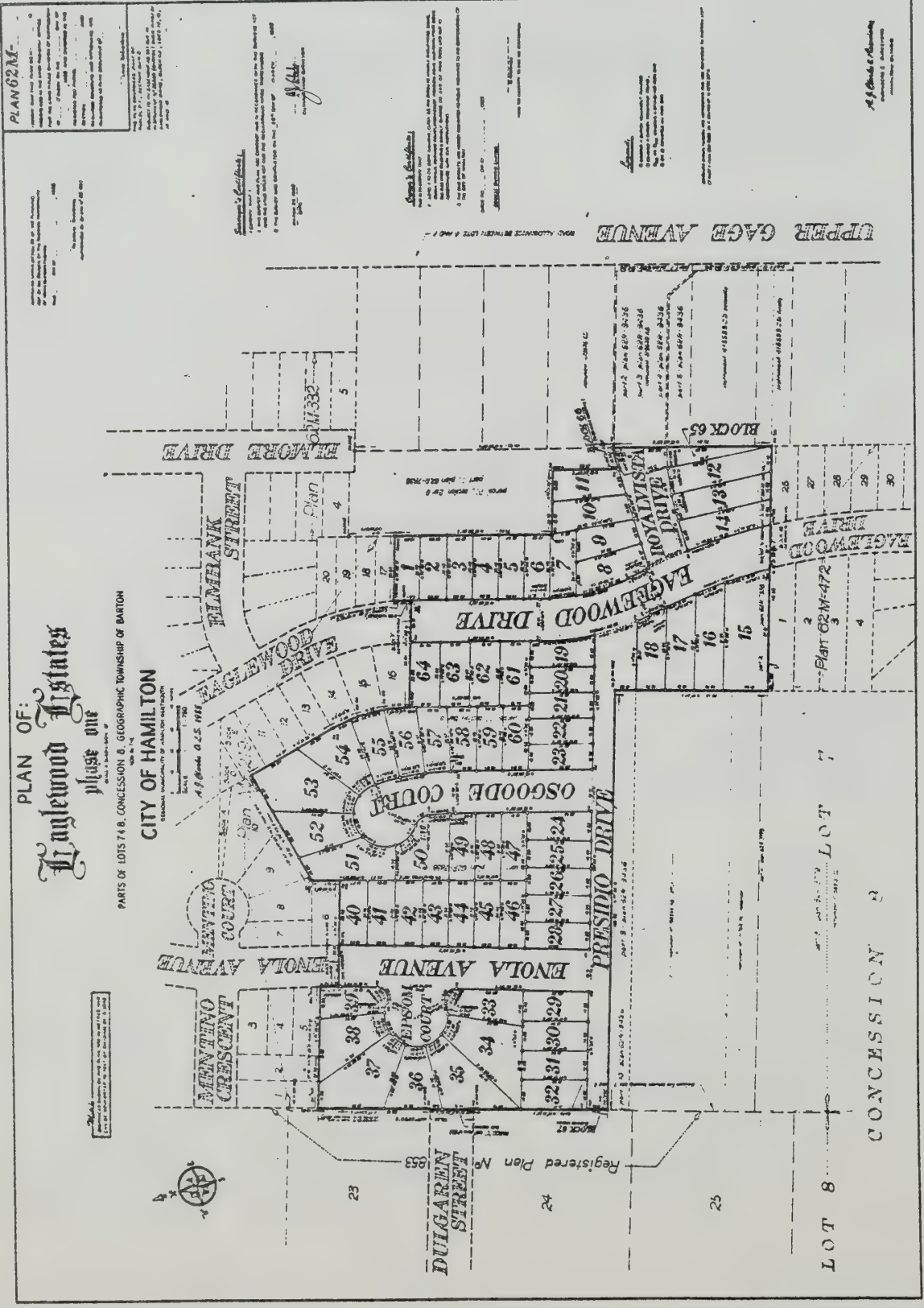
BACKGROUND:

The owners of the lands for the above referenced subdivision will be executing a Subdivision Agreement with the City of Hamilton in the near future. A copy of the Final Survey Plan is attached for your information.

In accordance with normal City procedures, the City and Regional staff have completed the calculations for the 5% cash payment in lieu of Parkland dedication, as provided for under Section 50 of the Planning Act.

Note: These lands are located west of Upper Gage Avenue and south of Stone Church Road in the Eleanor Neighbourhood, Hamilton

DVC:sm
Attach.
cc: D. Consoli, City Treasury Dept.
cc: D. Powers, City Solicitor's Office



PLAN 62M-472

CONCESSION 2

LOT 8

UPPER GAGE AVENUE

EAGLEWOOD DRIVE

MENTINO CRESCENT

DUGARE STREET

ENOLA AVENUE

OSGOOD COURT

PRESIDIO DRIVE

PLAN 62M-472

CONCESSION 2

LOT 8

UPPER GAGE AVENUE

EAGLEWOOD DRIVE

MENTINO CRESCENT

DUGARE STREET

ENOLA AVENUE

OSGOOD COURT

PRESIDIO DRIVE

PLAN 62M-472

CONCESSION 2

LOT 8

UPPER GAGE AVENUE

EAGLEWOOD DRIVE

MENTINO CRESCENT

DUGARE STREET

ENOLA AVENUE

OSGOOD COURT

PRESIDIO DRIVE

PLAN 62M-472

CONCESSION 2

LOT 8

UPPER GAGE AVENUE

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ENOLA AVENUE

OSGOOD COURT

PRESIDIO DRIVE

PLAN 62M-472

CONCESSION 2

LOT 8

UPPER GAGE AVENUE

EAGLEWOOD DRIVE

6a.
FOR ACTION

REPORT TO: SUSAN REEDER, ACTING SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 March 28
COMM FILE:
DEPT. FILE: 4143

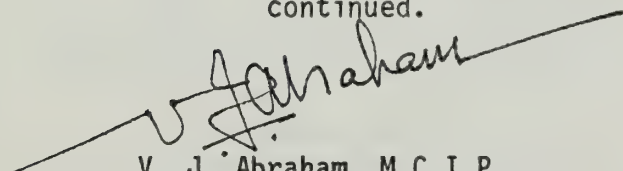
SUBJECT:

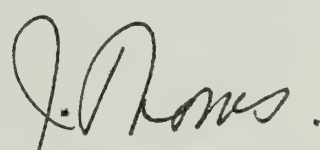
Approval process for Site Plan Control Application.

RECOMMENDATION

- (a) That the Chairman of the Planning and Development Committee, the ward Alderman who sits on the Planning and Development Committee, or in his or her absence, the other Ward Alderman be authorized to approve Site Plan Control applications;
- (b) That where the Chairman of the Planning and Development Committee or the ward Alderman who sits on the Planning and Development Committee or in his or her absence the other ward Alderman, consider it appropriate, the Site Plan Control Application may be forwarded to the Planning and Development Committee for consideration.

Note: With a view to expediting the approval process for Site Plan Control, this procedure has been in use as a trial procedure for a period of one year. Normally, Site Plan Control Applications require approval of the Planning and Development Committee. The shorter procedure has assisted in expediting the applications and is recommended to be continued.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

BACKGROUND

At its meeting of June 24, 1986, City Council adopted a recommendation to allow the Chairman and the ward Alderman who sits on the Planning and Development Committee or in his or her absence, the other ward Alderman, to approve Site Plan Control Applications during the month of June, July and August.

On September 10, 1986, City Council agreed to extend the procedure for another year.

COMMENTS

The "new" procedure has proved to be very successful.

- o There is minimal delay in the approval of the application once the requirements of the various departments have been resolved with the applicant, in that the Department can arrange a meeting with the ward Alderman and the Committee Chairman for approval of the application. Previously, completed applications had to wait for an appropriate regular meeting of the Planning and Development Committee to deal with the report. This resulted in time delays from several days to two weeks waiting for the appropriate meeting in order for the applicant to proceed with final plans.
- o The length of the reports has been reduced to proposal and recommendation headings. Previous reports had included detailed zoning and comment information giving explanations of various aspects of the projects which had been resolved with the applicant.
- o In the past, applicants and/or their agents have attended Committee meetings where their applications were approved without any necessary comments or questions. At some meetings, due to other matters, the particular applications were delayed anywhere from 15 minutes to two hours, requiring those present to wait until the item was to be dealt with. The new procedure avoids this time waste for both the applicant and the Committee where all aspects of the application have been resolved.
- o The new procedure has allowed quick resolution of minor changes to previously approved plans or approval of minor projects, such as pools, signs or building additions. This has permitted the projects to proceed without waiting for scheduled meetings and saved staff time in the preparation of the detailed reports.
- o In situations where the project schedule has been critical, the new procedure has allowed staff of all departments to co-ordinate an urgent response and meet ward Alderman and Chairman for approval of the plans and expedite the particular project.

- o The procedure still allows for applications to be presented to the Planning and Development Committee where the ward Alderman or the Committee Chairman consider it appropriate to be dealt with at the Committee level due to the complex nature of the project.
- o A total of 132 Site Plan Control Applications were received in 1987 in comparison to 113 in 1986 and 65 in 1985. During those same years the number of reports completed were 127, 93 and 77 respectively.

These critical factors of resolving the comments, preparation of a short report and meeting with the ward Alderman and Chairman of the Committee has reduced project waiting time, time spent on reports, and time by Committee, applicant and staff. This has permitted the applicant to proceed with the conditions of approval of the applicant, such as road widenings, technical details, Committee of Adjustment, encroachment agreements, etc.

For these reasons, the "new" procedure should be approved as the standard format. It should be noted that this would not deter any Site Plan Control Application from proceeding to the Planning and Development Committee where appropriate.

JS/ma

WP 0118P

FOR ACTION

6b.

REPORT TO: SUSAN REEDER, ACTING SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE DATE: 1988 March 25

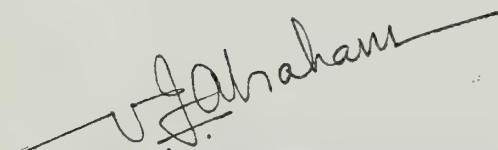
FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT COMM FILE:
DEPT. FILE: P5-2-6

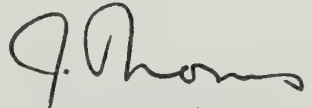
SUBJECT:

Proposed plan, part of Allison Neighbourhood.

RECOMMENDATION

- (a) That the Planning and Development Committee authorize a public meeting to discuss the proposed Neighbourhood Plan.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A.

EXPLANATORY NOTE

The availability of sewer services on Upper James Street from Rymal Road to 1719 Upper James Street and on Rymal Road from Upper James Street to Ryckman Street enables the development of the adjacent lands.

BACKGROUND

On February 9, 1987, 512313 Ontario Limited applied for a zoning change for 1709 Upper James Street from "B" (Surburban Agriculture and Residential, etc. Districts) to "HH" (Restricted Community Shopping and Commercial) District.

On April 14, 1987, the Planning and Development Committee tabled the application pending the preparation of a proposed land use plan by staff.

Official Plan

The Official Plan designates the area for commercial, major institutional and residential uses. In addition, a portion of the area adjacent to Upper James Street is defined as Special Policy Area 31, which permits a variety of commercial uses.

Zoning

The following zoning designations are found in the area:

- G-1 (Designed Shopping Centre)
- HH (Restricted Community Shopping and Commercial District)
- B (Suburban Agriculture and Residential, etc.)
- B/S-789 In addition to the uses permitted in the "B" Zoning, a hairdressing establishment as a home occupation.

Sewers

Sewer services are available as follows:

1. Up to 1719 Upper James Street, which includes the area applied for in the zoning application, ZA-87-11 sewers are available;
2. From the southerly limit of 1719 Upper James Street to the City Limits, sewers are not available at this time, but tentatively scheduled for construction in 1989;
3. On Rymal Road from Upper James Street to Ryckman Street, sewers are available; and,
4. For the remainder of the neighbourhood, no tentative construction schedules are available.

The Neighbourhood Plan

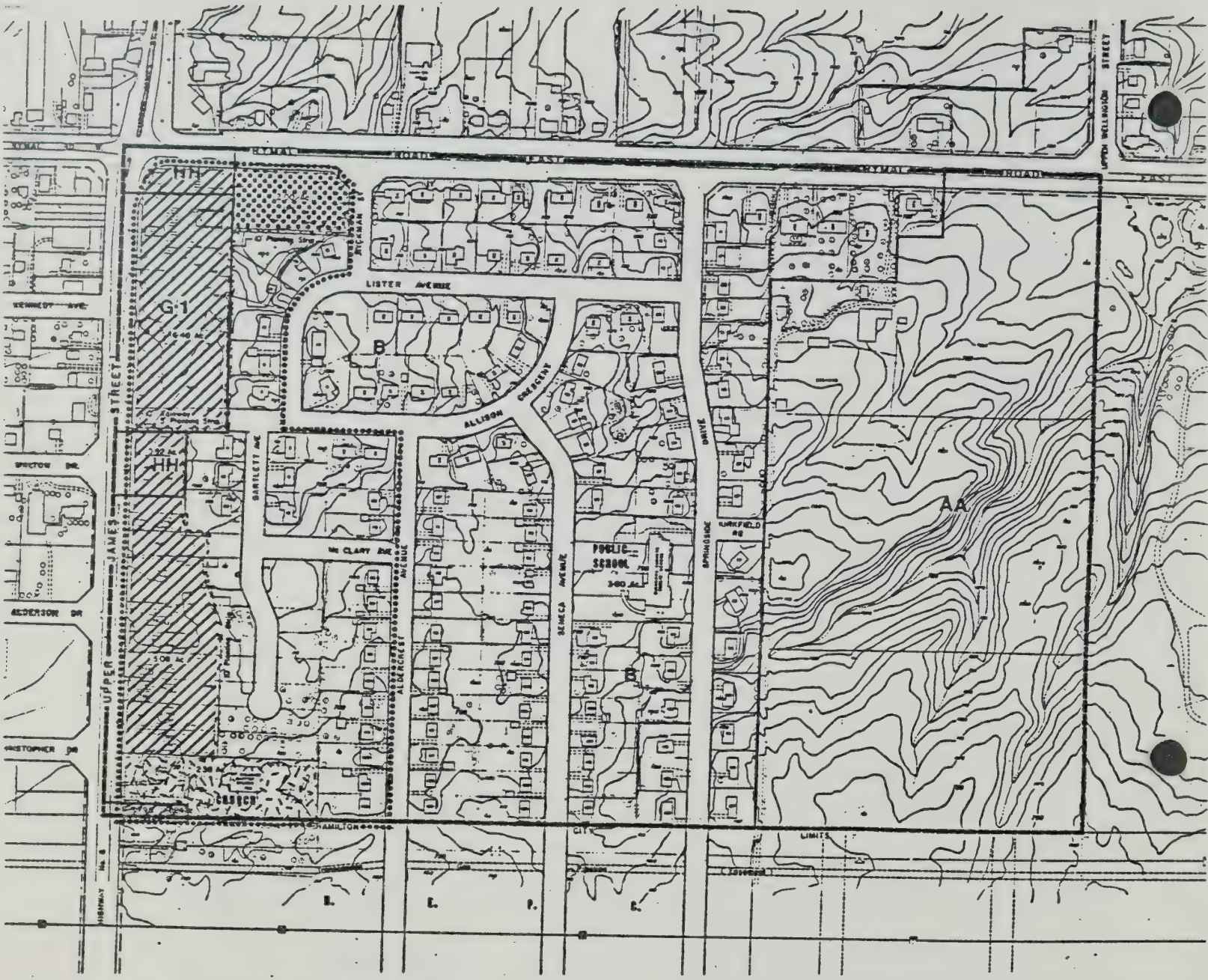
The Plan attempts to achieve the following objectives within the framework of the Official Plan:

- A Commercial strip along Upper James Street and Rymal Road;
- A residential infill to compliment the existing residential development and the Mount Calvary Baptist Church.
- Good urban design, including guidelines for design and commercial areas on Upper James Street and Rymal Road (between Upper James Street and Ryckman Street).

CONCLUSION

A public meeting should be held to obtain input from affected citizens and property owners. Following the review of all submissions, a recommended plan will be forwarded to the Planning and Development Committee for consideration.

GG:CS
0019P



NOTE: THIS IS A GUIDE PLAN ONLY AND SUBJECT TO CHANGE. FOR DETAIL, CONTACT THE LOCAL PLANNING OFFICER OF THE REGIONAL MUNICIPALITY OF HAMILTON-WESTWORTH.

EXISTING POPULATION (1985) 456

LAND USE REVIEW AREA

LAND USE

RESIDENTIAL

- single & double
- attached housing
- low density apts.
- medium density apts.
- high density apts.
- commercial or commercial apts.

- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES

Neighbourhood Boundary
Zoning Boundary

Approvals
Planning Comm. Council
Revisions

CITY OF HAMILTON
PLANNING DEPARTMENT

ALLISON
PROPOSED PLAN



62

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 April 05
COMM FILE:
DEPT. FILE: CI-88-D

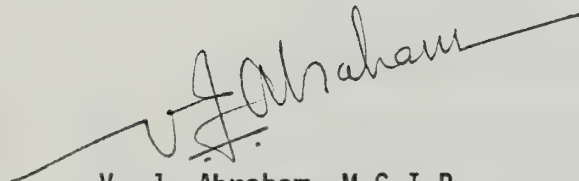
SUBJECT:

Request for a general amendment to Zoning By-law No. 6593.

RECOMMENDATION

- (a) That the Planning and Development Department, in consultation with other City Departments, be directed to undertake a review of all "E" Districts (i.e. - "E", "E-1", "E-2" and "E-3") as a City Initiative, and submit a report for the consideration of the Planning and Development Committee on the feasibility of adding "retirement homes" as a permitted use.

The review is to be undertaken as a "Demand Responsive Project" under the 1988 Work Programme, subject to the availability of time. Alternatively, the review is to be included as a "Special Project" in the 1989 Work Programme.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

● Proposal

At its meeting of February 10, 1988, the Planning and Development Committee referred correspondence from Mr. Walter Bosch, Sales Representative, Royal LePage Real Estate Services Ltd. (copy attached), to the Planning Department for review and comment.

In effect, Mr. Bosch is requesting that consideration be given to amending all the "E" (Multiple Dwelling) Districts (i.e. - "E", "E-1", "E-2" and "E-3" Districts) to add "Light Care Retirement Homes" (Senior Citizen Hotels) as a permitted use.

Mr. Bosch has advised that such facilities would take the form of an apartment hotel with each unit having a kitchenette, and the following services being provided:

1. • Light duty nursing care 24 hours a day;
2. Housekeeping services;
3. A restaurant (open to the public); and,
4. Commercial uses (i.e. - variety store) open to the public.

● Zoning By-law No. 6593

Presently, "retirement houses" per se are not permitted under the Zoning By-law. Such uses are permitted by site specific amendments as residential care facilities or lodging houses, among other uses, modified to restrict the age of residents and occupancy level. Recent examples are as follows:

1. By-law No. 87-251 (ZA-87-77) - No. 190 Main Street West

City Council passed By-law No. 87-251 on September 1, 1987. The purpose of the By-law was to provide for a change in zoning from "E-3" (High Density Multiple Dwellings) District to "H-1" (Civic Centre Protected) District. The effect of the By-law is to permit a "lodging house" containing not more than 96 rooms suitable for the accommodations of elderly residents of at least 55 years of age.

2. By-law No. 85-119 (ZA-85-28) - No. 52 Catharine Street North

City Council passed By-law No. 85-119 on June 25, 1985. The purpose of the By-law was to modify the "I" (Central Business District, etc.) District. The effect of the By-law is to permit a "residential care facility" for the accommodation of not more than 130 residents of at least 60 years of age.

Generally, the maximum accommodation permitted under the Zoning By-law for "lodging houses" and "residential care facilities" is 20 persons.

COMMENTS

The concept of amending the "E" Districts (i.e. - "E", "E-1", "E-2" and "E-3") to add "retirement homes" as a permitted use has merit, in that it would allow for the provision of an alternative form of housing as-of-right for older residents whose needs fall between an independent lifestyle (i.e. - apartment) and a nursing home.

However, the proposal to include a variety of publicly accessible commercial uses (i.e. - restaurant, variety store, etc.) in the same building could result in significant land use conflicts and the generation of negative spill-over effects, especially where adjoining lower density residential uses. In this regard, it would be premature to make a decision on the proposal without the benefit of an in-depth study.

RETIREMENT HOME STUDY

The following is a summary of the projected time requirements and associated tasks for the undertaking of a study/review of "Retirement Homes" for inclusion under Zoning By-law No. 6593.

1. Planning Regulations

- Review of Official Plan policies respecting housing and accommodation for the elderly.
- Review Zoning By-law No. 6593 respecting various types of permitted accommodation for the elderly (i.e. - lodging houses, residential care facilities), and the regulation thereof.
- Survey zoning regulations for similar uses in other municipalities for comparative purposes (i.e. - Burlington, Mississauga, Oakville, etc.).
- Review current development standards for "Retirement Homes".

2. Liaison

- Liaise with other City Departments (i.e. - Building, Traffic) and Public Agencies (i.e. - Ministry of Community and Social Services) respecting zoning regulations and design standards.

3. Report Preparation

- Preparation of Draft report and circularization to affected Departments and Agencies for review and comment, including a Public Meeting.

- Review submissions and preparation of report for submission to Planning and Development Committee.

4. Study Program

- Approximately 55 person days total, consisting of:
 - 40 days Planner I;
 - 5 days Division Head;
 - 5 days Stenographic; and,
 - 5 days Support Services.

5. Study Timing

On the basis of the approved 1988 Work Programme, it is anticipated that the study could be initiated in the latter part of 1988 (approximately November), provided:

- there are no time over-runs on scheduled projects;
- there are no major time losses due to "demand responsive" projects;
- development application trends remain stable; and,
- there is no significant increase in O.M.B. Hearings.

Alternatively, the study would be included in the 1989 Work Programme as a Special Project.

CONCLUSION

That the Planning and Development Department, in conjunction with other City Departments, (i.e. - Building, Traffic), be directed to undertake a review of the "E", "E-1", "E-2" and "E-3" Districts as a City Initiative, with an aim to evaluate the appropriateness of adding "retirement homes" as a permitted use.

The study should be undertaken as a "Demand Responsive Project" under the 1988 Work Programme, subject to the availability of time. Alternatively, the review is to be included as a "Special Project" under the 1989 Work Programme.

PDM/dkp

WP 0021P

cc. Mrs. Susan Reeder, Acting Secretary - Planning & Development Committee from
✓ Mayor Bob Morrow - January 6th, 1988 - Would you please have this placed
on next P. & D. Committee Agenda (in its entirety under my name). Thanks.

CONFIDENTIAL

His Worship
Mayor W. Morrow
71 Main Street West
Hamilton, Ontario

Dear Sir:

May I thank you again for the time you allocated for our meeting December 21/87. Please allow me to outline the pertinent points as per your request.

1. Statscan indicates that the "over 65 population" will reach critical proportion in 1996.
2. Hamilton is one of the cities having a higher than national average of "retirees".
3. If the building of retirement apartments continues at the present "pace" a dramatic shortfall will exist. The public sector does not now, nor will in the future, have the required financing to alleviate this need.
4. In order to entice developers to supply this type of specialized housing, I would like to suggest that your council should pass an amendment to the existing by-laws to the effect that all higher density "E" zonings shall be allowed to be used for light care retirement apartments.
Provided that such a Home provides:
 - a). sufficient apartments for no less than 120 persons.
 - b). that the street level may be used for a restaurant, a variety store, and other commercial enterprises catering partly to the residents of the facility.
 - c). that an appropriate amount of space of such a building be allocated to rest Home care.
 - d). that there is a 24 hour attendant.
 - e). that there is a registered nurse and/or medical doctor on 24 hour call.
 - f). that linen, housekeeping and other services are to be provided as needed.
5. The city of Hamilton being the owner of substantial land holdings should consider to sell at their cost (plus carrying charges) such lands to private developers or corporations for the sole purpose of developing geriatric facilities. In return for obtaining such lands the developer should make available a certain number of apartments to the city at a lower than commonly charged rental. Needless to say formulas for this type of apportioning will have to be developed.

...continued.....

..page 2...

May I again stress that it is imperative that your council adopt a clear zoning policy pertaining to Geriatric Care facilities. As I pointed out to you it is virtually impossible to have the Vendor of certain lands accept an Agreement of purchase if such Agreement contains a conditional clause regarding zoning. The fact of the matter is that in my experience whenever a developer phones your planning department to ascertain the time required for re-zoning he is told that it would take 8 - 12 months.

In addition to this the type of facility discussed is considerably more expensive to plan - not to speak of time - and also more expensive to build. Therefore an application for zoning to "move in" time span easily covers 2½ - 3 years.

Hoping you will give this matter some thought.

I remain,

Sincerely yours,

A handwritten signature in dark ink, appearing to be 'Walter Bosch', written in a cursive style with a large loop at the end.

WALTER BOSCH, Sales representative
Royal LePage Real Estate Services Ltd

333-2133

WB/ao.

7.

FOR ACTION

REPORT TO: SUSAN REEDER, ACTING SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 March 23
COMM FILE:
DEPT. FILE: ZA-86-62
THORNER NEIGHBOURHOOD

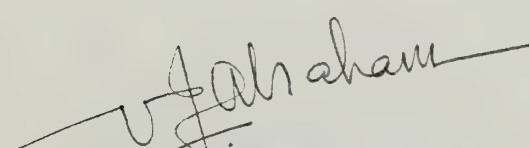
SUBJECT:

Request for a modification to the "HH" (Restricted Community Shopping and Commercial) District regulations - Nos. 849 and 853 Upper Wentworth Street.

RECOMMENDATION

That Zoning Application ZA-86-62, Joyce and Ernest Monkley, owners, requesting a further modification to the "HH" (Restricted Community Shopping and Commercial) District regulations, to permit a restaurant use on property located at Nos. 849 and 853 Upper Wentworth Street, as shown on the attached plan marked as APPENDIX "A", be denied for the following reasons:

- 1) The proposal for the restaurant use is contrary to adopted Council Policy (i.e., O.P.A. 31 and By-laws 85-172 and 80-107) which specifically prohibits high traffic-generating uses such as restaurants and taverns from locating on the subject lands;
- 2) It is contrary to the approved Thorner Neighbourhood Plan;
- 3) No new evidence has been provided to justify changes to the established policy of City Council;
- 4) Approval of the application would set an undesirable precedent for future similar applications;
- 5) It could prejudice the results of a land use study currently underway regarding properties located on the west side of Upper Wentworth Street south of Mohawk Road.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A.

BACKGROUND

The subject application was previously considered at the Planning and Development Committee meeting held on January 27, 1987, at which time it was tabled at the request of the applicant. On March 5, 1988, the applicant requested that the Zoning Application be placed back on the Planning and Development Agenda as soon as possible.

CONCLUSIONS

The circumstances concerning this application have not changed, and as previously recommended, the application should be denied.

GW:CS
0019P

F O R A C T I O N

FROM Planning and Development Department

DATE August 27, 1986

TO Planning and Development Committee

Refer To File No. ZA-86-62

Attention Of V. J. Abraham

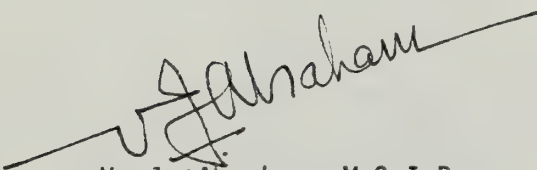
SUBJECT

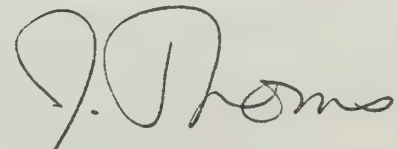
Request for a further modification to the "HH" (Restricted Community Shopping and Commercial) District regulations for property located at Nos. 849 and 853 Upper Wentworth Street as shown on the attached plan. The purpose of the modification is to permit a restaurant use which is currently prohibited under the existing "HH" modified regulations within a proposed building containing automotive uses including a muffler shop, electronic tune-up shop, tire shop and a radiator shop.

RECOMMENDATION

That Zoning Application ZA-86-62, Joyce and Ernest Monkley, owner, requesting a further modification to the "HH" (Restricted Community Shopping and Commercial) District regulation, to permit a restaurant use on property located at Nos. 849 and 853 Upper Wentworth Street, as shown on the attached plan marked as APPENDIX "A", be denied for the following reasons:

- 1) The proposal for the restaurant use is contrary to adopted Council Policy (i.e. O.P.A. 31 and By-Laws 85-172 and 80-107) which specifically prohibit high traffic generating uses such as restaurants and taverns from locating on the subject lands.
- 2) An identical application to permit a restaurant and tavern use on property located on the west side of Mall Road south of Mohawk Road (Application ZA-86-43) was recently denied by the Planning Committee and City Council.
- 3) Approval of the application would set an undesirable precedent for future similar applications.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

APPLICANT

Joyce and Ernest Monkley, owner.

LOT SIZE AND AREA.

- 32.6 m (107.0 ft.) of lot frontage on Upper Wentworth Street;
- 138.38 m (454.0 ft.) of lot depth; and,
- 4,512.9 m² (48,578 sq. ft.) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Single family dwelling, a trailer sales and rental business, and a garden centre business	"HH" (Restricted Community Shopping and Commercial) District, modified
<u>Surrounding Lands</u>		
To the north	Single family dwelling	"HH" (Restricted Community Shopping and Commercial) District, modified
To the south	Burger King Restaurant, a service station, L.C.B.O. store and vacant land	"HH" (Restricted Community Shopping and Commercial) District, modified
To the east	Vacant land	"AA" (Agricultural) District recently rezoned to a "G-2" District, modified (subject to final approval).
To the west	Single-family dwellings	"AA" (Agricultural) District

OFFICIAL PLAN

The subject lands are designated "Commercial" on Schedule "A", the Land Use Concept Map attached to the Official Plan. In addition, the site in question is located within Special Policy Area 33 on Schedule "B" which prohibits high traffic generating commercial and public uses such as restaurants and other places of assembly. Therefore, the proposal does not comply with the Official Plan. A site specific text amendment would be required to permit the proposed restaurant use.

NEIGHBOURHOOD PLAN

The subject lands are designated "Commercial" on the approved Thorner Neighbourhood Plan. However, as notated on the approved Neighbourhood Plan high traffic generating uses such as restaurants and taverns are prohibited under this specific commercial designation, and as such, the proposal does not comply with the plan.

BACKGROUND

- Official Plan Amendment 31 (O.P.A. 31)

On August 27, 1985 City Council adopted O.P.A. 31 which prohibits high traffic generating commercial (restaurants and taverns, etc.) and public uses for certain lands located on the east and west side of Upper Wentworth Street between Mohawk Road East and Limeridge Road East. Such uses were prohibited because of the potential high trip generation affecting traffic conditions on Upper Wentworth Street and Mall Road. The amendment was approved by the Ministry of Municipal Affairs on January 8, 1986.

- By-Law No. 85-172 (Implements O.P.A. 31)

On August 27, 1985, City Council passed Site Specific By-Law 85-172, which modified the "HH" (Restricted Community Shopping and Commercial) District regulations to prohibit public uses (private clubs, lodges, etc.) and commercial uses (restaurants, taverns, bowling alleys, theatres and other places of amusement, etc.) for a number of properties along Upper Wentworth Street, including 841 and 849 Upper Wentworth Street. Such uses are considered to be high traffic generators. By-Law 85-172 received final approval from the Ontario Municipal Board on January 8, 1986. This by-law affects the northerly half of the applicant's holding.

- By-Law No. 80-107

On April 8, 1980, City Council passed Site Specific By-Law No. 80-107 which also modified the "HH" (Restricted Community Shopping and Commercial) District regulations applicable to property at No. 853 Upper Wentworth Street to prohibit the public uses and commercial uses as outlined in the above-noted By-law, which uses are considered to be high traffic generators. By-Law 80-107 received final approval from the Ontario Municipal Board on September 17, 1980. This By-law affects the southerly half of the applicants holding.

ECONOMIC FACTORS

The applicant has advised that the proposal will result in the establishment of approximately 12 new business establishments which will result in the creation of between 30 and 40 new job opportunities, and construction will consist of manpower from firms within the Hamilton-Wentworth Region. Total cost of the project will be between \$101,000 and \$500,000.

COMMENTS RECEIVED

- The Building Department has advised that:

"A Public garage, except body and fender repairs is a permitted use under 14(1)(c) and 14(1)(xiv) of By-Law No. 6593. A restaurant is prohibited by the existing modified zoning."

- The Hamilton-Wentworth Engineering Department has advised in part that:

"Regional staff are presently reviewing the length of the removal of the concrete median island on Upper Wentworth Street to provide access to the subject lands. We therefore recommend, as a condition of zoning approval, that the applicant enter into an Access Agreement with the Region for the concrete median island modifications required on Upper Wentworth Street. All costs associated with these works will be at the expense of the applicant/owner."

With respect to access onto Mall Road, the City of Hamilton sold Part 8 (Reference Plan 62R-6472) to Ontario Land Corporation. The Region retained a one (1) foot reserve shown as Part 7 adjacent to Mall Road, must make appropriate arrangements with Ontario Land Corporation for the purchase/use of Part 8. The applicant/owner must make the appropriate arrangements with the City of Hamilton to lift the one(1) foot reserve."

(See the attached letter for full comments.)

- The Traffic Department has advised that:

"As indicated in comments regarding recent applications to modify the existing zoning to permit restaurant uses, the traffic generated by restaurant uses can be as much as seven times that which would be generated by the permitted uses. In addition, we are concerned that approval of the application will set a precedent for future applicants for modification to permit restaurants on a number of commercial properties on both Mall Road and Upper Wentworth Street which would have a significant input on traffic conditions during peak hours."

Therefore, we recommend that the application be revised to delete the restaurant use and limit the proposed modification to the Zoning to permit the proposed auto centre, which can be supported.

- The Hamilton Region Conservation Authority has no objection.

COMMENTS

1. The proposal does not fully comply with the intent of the Official Plan as it is the intent of the Official Plan to prohibit high traffic generating uses such as restaurants on Upper Wentworth Street in this area south of Mohawk Road, and as such, would require a site specific amendment to the Official Plan to permit the proposed restaurant use. In addition, By-Laws are in place on the subject lands to specifically prohibit such uses, therefore an amendment to the Official Plan could not not supported.
2. The proposed automotive uses including a muffler shop, electronic tune-up shop, tire shop and radiator shop are permitted uses under Section 14(1)(c) and 14(1)(xiv) of the Zoning By-Law.
3. The proposal does not fully comply with the Approved Thorner Neighbourhood Plan.
4. The proposal cannot be supported for the following reasons:
 - i) it is contrary to adopted Council Policy (i.e. O.P.A. 31 and By-Laws 85-172 and 80-107) which specifically prohibits high traffic generating uses such as restaurants and taverns from locating on, among others, the subject lands; and
 - ii) Planning Committee and City Council recently denied an identical application (ZA-86-43) to permit a restaurant and tavern use on an abutting parcel of land to the north of the site in question.
 - iii) approval of this application would set an undesirable precedent for future similar applications.

CONCLUSION

On the basis of the foregoing, the application cannot be supported.

G.A.W.:nv

W.P. DOC. 2661P



THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Department of Engineering
71 Main Street West, Hamilton, Ont. L8N 3T4 (416) 526-4170

PLANNING & DEVELOPMENT
LOCAL PLANNING BRANCH

No. **ZA-86-62** Received **JUL 17 1986**

I.D. #0023D (13)

July 16, 1986

TO: V. J. Abraham
Planning Department

FROM: K. A. Brenner
Engineering Department

TO	STAFF	INIT.	INFO.	ACT.
DIR.				
PLANNING				
ENGINEERING				
✓	J2			
✓	SW			
ADMIN.				

Refer to File No. **E220-2001**
Attention of **K.A. Brenner**
Your File No. **ZA-86-62**

RE: Zoning Application ZA-86-62 for a further modification to the "HH" regulations by Joyce and Ernest Monkley for property located at 849 and 853 Upper Wentworth Street, Hamilton

Please be advised that public watermains as well as storm and sanitary sewers are available to service the subject lands.

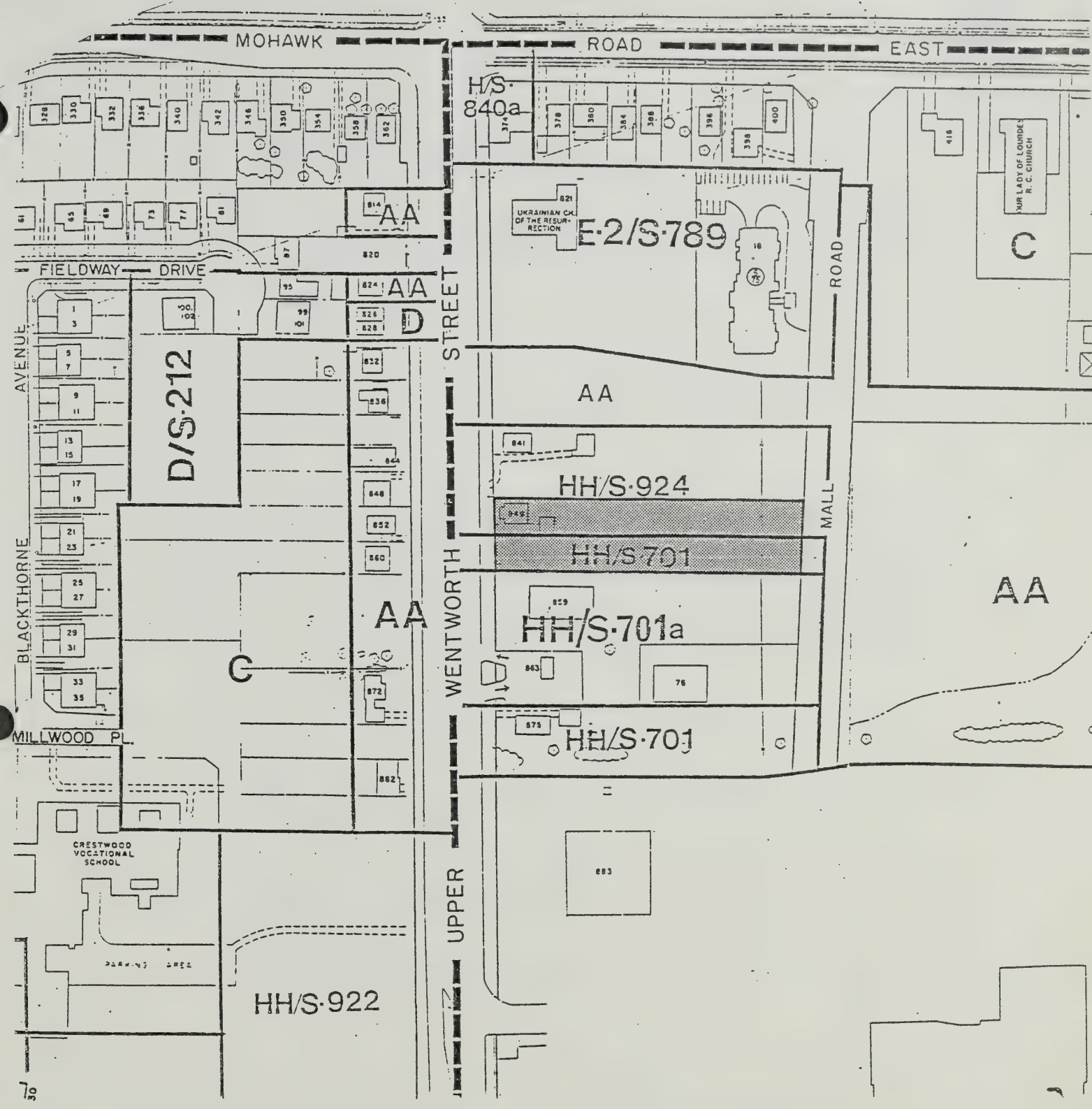
According to our records, the Region has previously acquired the required road allowance widenings on Upper Wentworth Street.

Any works within the road allowances on Upper Wentworth Street and/or Mall Road must conform to the respective Streets By-Laws.

Regional staff are presently reviewing the length of the removal of the concrete median island on Upper Wentworth Street to provide access to the subject lands. We therefore recommend, as a condition of Zoning Approval, that the applicant enter into an Access Agreement with the Region for the concrete median island modifications required on Upper Wentworth Street. All costs associated with these works will be at the expense of the applicant/owner.

With respect to access onto Mall Road, the City of Hamilton sold Part 8 (Reference Plan 62R-6472) to Ontario Land Corporation. The Region retained a one (1) foot reserve shown as Part 7 adjacent to Mall Road. Therefore, the applicant prior to gaining access to Mall Road, must make appropriate arrangements with Ontario Land Corporation for the purchase/use of Part 8. The applicant/owner must make the appropriate arrangements with the City of Hamilton to lift the one (1) foot reserve.

K.A. Brenner
for K.A. Brenner
TLH:dkp



LEGEND



SITE OF APPLICATION



ZA 86-62

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 April 05
COMM FILE:
DEPT. FILE: ZA-88-10

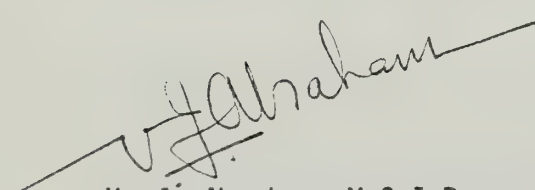
SUBJECT

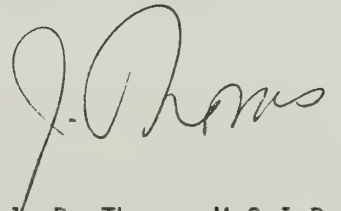
Request for a change in zoning - Nos. 863 and 867 Upper Paradise Road.

RECOMMENDATION

(a) That Zoning Application ZA-88-10, Alex Hemstreet, owner and prospective owner, requesting a change in zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District modified to "R-4" (Small Lot Single-Family Detached) District and "HH" (Restricted Community Shopping and Commercial) District modified, to permit one small lot single-family dwelling and a 5-bay self-serve carwash and gas bar, for properties located at Nos. 863 and 867 Upper Paradise Road, be DENIED for the following reasons:

- i) The proposal represents an undesirable extension of a commercial use into an established residential area;
- ii) The proposal conflicts with the intent of the approved Gilkson Neighbourhood Plan which designates the subject lands for "Single and Double Residential" use.
- iii) There is an adequate supply of commercially designated and zoned lands in the surrounding area, including an existing carwash and gas bars.
- iv) Approval of the application would set a precedent for future similar applications.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

- Proposal

Request for a change in zoning on the following basis:

- Block "1" - from "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District to "R-4" (Small Lot Single-Family Detached) District to permit one single-family dwelling.
- Block "2" - from "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District to "HH" (Restricted Community Shopping and Commercial) District, modified to permit a 5-bay self-serve carwash and gas bar.

The applicant has advised that they have a 20-year lease on the adjoining lands to the south, where they currently operate a 6-bay self-serve carwash.

- By-law No. 86-227 (ZA-86-35)

City Council passed By-law 86-227 on July 22, 1986. The purpose of the By-law was to provide a further modification to the "HH" (Restricted Community Shopping and Commercial) District regulations for the property at the north-east corner of Upper Paradise Road and Stone Church Road West (i.e. - adjoining property).

The effect of the By-law was to allow, in addition to the uses permitted under the "HH" District, a 6-bay or stall, coin-operated manual carwash on the north part of the property, fronting onto Upper Paradise Road.

APPLICANT

Alex Hemstreet, owner 863 Upper Paradise and prospective owner 867 Upper Paradise Road.

LOT SIZE AND AREA

The subject property has a total frontage of 40.2 m (132 feet) on Upper Paradise Road, and a lot area of approximately 1,631 m² (17, 556 sq. ft.).

LAND USE AND ZONING

<u>Subject Lands</u>	<u>Existing Land Use</u>	<u>Existing Zoning</u>
	Single-family dwelling and vacant	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District.
<u>Surrounding Lands</u>		
To the South	Commercial	"HH" (Restricted Community Shopping and Commercial) District, modified.
To the North	Single-Family Residential	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District, modified and "C" (Urban Protected Residential, etc.) District.
To the East	Townhouses	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District, modified.
To the West	Single-Family Residential and Apartments	"B" (Suburban Agriculture and Residential, etc.) District, "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District, modified and "E-2" (Multiple Dwellings) District, modified.

OFFICIAL PLAN AND NEIGHBOURHOOD PLAN

The subject lands are designated "Residential" in the Official Plan, and "Single and Double Residential" in the approved Gilkson Neighbourhood Plan. The proposed residential use (Block "1") complies. With respect to the carwash and gas bar (Block "2"), the proposal would comply with the Official Plan as an extension of an existing use, provided the Neighbourhood Plan is amended to redesignate the lands as "Commercial".

ECONOMIC FACTORS

The applicant has advised that the proposal will involve the demolition of an existing building, and construction of a new building which will cost between \$101,000 and \$500,000. A total of two full-time and between four to six part-time jobs would be created. Manpower to carry out the project would consist of people mainly from the City of Hamilton.

COMMENTS RECEIVED

- The following agencies have no comment or objection:
 - The Hamilton Region Conservation Authority;
 - The Traffic Department; and,
 - L.A.C.A.C.
- The Building Department has advised as follows:
 - "1. A carwash in an "HH" zoning district is permitted as an accessory use only as per Clause (xvii) of Subsection 1 of Section 14 of Zoning By-law No. 6593.
 2. The rear yard of the carwash building shall be a minimum of 6.0 m.
 3. We assume this carwash is on one separate lot. If it is part of an existing carwash or shopping centre, then additional requirements may be necessary."
- The Hamilton-Wentworth Engineering Department has advised as follows:

"Please be advised that public watermains as well as separate storm and sanitary sewers are available to service the subject lands.

The designated road allowance width of Upper Paradise Road is 30.48 m (100 ft.). The Region has previously acquired the necessary widenings adjacent to the subject lands (62R-3812).

Any work within the adjacent road allowance, as widened, must conform to the Region's Roads Use By-Law.

According to Plan 77-S-706, there are no vertical curves on this section of Upper Paradise Road which would obstruct or restrict driver visibility. Comments from the City of Hamilton Traffic Department should be considered with respect to access and access design, etc."

COMMENTS

1. The proposal would not conflict with the intent of the Official Plan, provided the Neighbourhood Plan is amended to redesignate the lands for the proposed carwash and gas bar (Block "2") from "Single and Double Residential" to "Commercial".

2. The proposal cannot be supported for the following reasons:

- it would represent an undesirable extension of commercial uses into an established residential area;
- it conflicts with the intent of the approved Neighbourhood Plan which designates the subject lands for "Single and Double Residential" uses;
- there is an adequate supply of commercially designated and zoned lands in the surrounding area (intersection of Stone Church Road West and Upper Paradise Road), including an existing carwash and gas bars; and,
- it would set a precedent for future similar applications.

CONCLUSION

On the basis of the foregoing, the application should be denied.

PDM/dkp

WP 0021P

TO THE SECRETARY,
PLANNING AND DEVELOPMENT COMMITTEE,
CITY HALL
HAMILTON ONTARIO L8N-3T4

April 5th - 1978
8a-

Reference to File #ZA88-10 SEQ -00247

Dear Sir,

My name is Alec Anastasiou I am the owner of 861 Upper Paradise Road.

I am strongly opposed to the amendments to the proposed Re-Zoning of the adjacent property to permit a car wash and a gasoline station to be opened in a residential neighbourhood.

(1) The proposed car wash would increase the traffic flow thereby worsening, an already hazardous and bothersome noisy intersection.

(2) We have already 2 Gas stations and a car wash operating 24 hours and without traffic lights at the corner the traffic is unbearable.

If the proposed change of Zoning gets aproved iwould be forced to sell my dream home that I had build less than two years ago, and the loss of the value of my property because of the Gas station willbe devastating.

As a Professional Real Estate Agent for the last 16 years in the Hamilton area I have seen the result in similar developments.

Already some of the neighbours have panicked and are selling their homes, hoping they get agood price before this disaster strikes our neighbourhood. Iam concern about this area and I hope the application for Re-Zoning is turned down.

Please pay special attention to the health hazard it would bring to all children playng in the back of the proposed car wash, wich playground is beside the Townhouses. When cars are waiting to get into the car wash, they have their engines running, and we will not be able to enjoy some relaxation without breathing the fumes from about 50 feet away.

This is all I have to say at this time and hope to have also the opportunity to speak at the Meeting.

Yours very truly

Alec Anastasiou

Alec Anastasiou

861 UPPER PARADISE ROAD

HAMILTON ONT.

L9 C - 5 R3

Joyce Mongeon

APR 8 1988

8b

599 Stone Church Road West
Hamilton, Ontario
L9B 1A5

March 31, 1988

The Secretary
Planning & Development Committee
City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Sir:

Re: Zoning Application File ZA88-10

I have received your notice of the above captioned re-zoning application. Even though I am neither in favor nor opposed to this particular re-zoning, I do wish to comment that I think that any further commercial or residential development in the vicinity of the intersection of Upper Paradise Road and Stone Church Road West should be deferred until such time as the existing developments have been properly completed and the basis transportation infrastructure is upgraded and repaired.

On the first issue, I would note that most of the landscaping on the commercial developments around this intersection has yet to be done resulting in a great deal of mud and a generally "gritty" look to the whole area. On the second issue the state of both Upper Paradise and Stone Church Roads in this vicinity is very poor. Curbs are generally non existent and I fear for the tires and suspension of my car every time I hit the numerous potholes which are in these roads.

Again I wish to reiterate that I have no particular comment on this particular re-zoning application. I do however believe that development should be deferred to prevent an even further deterioration of this area.

Yours very truly,


Joyce Mongeon (Mrs. M.L.)

JM/jt

DP Henry 34 Normandy Rd
Mrs. Caroline Wolfe 26 Normandy Rd.

Mr. Wm K. Searcy

A. Bahig

Z. Bahig

P. Bahig

F. Lillie 199 Kentworth St.

L. Lillie 199 Kentworth St.

Eden

Mrs. Anne Colanby 31 Normandy Rd

Mrs. Stanley Marches 35 Normandy Rd

Mrs. Stanley Marches 35 Normandy Rd

Mrs. Mrs. Leo Bedisack 39 Normandy Rd

Mr. Mr. Julius Mager

A. Salarsche

V. Salarsche

APR 8 1988

9b

208 Tuxedo Ave. S.
Hamilton, Ont. L8K 2S4

April 7, 1988.

87-137.

Dear Sir:

We are opposed to the requested change in zoning from "C" to "DE-3" for the property at 225 Kenilworth Ave. S. There are too few parking spaces planned for the number of units to be built.

If this property is to be converted as proposed, the correct number of parking spaces should be provided, which would mean well over 67. To have only 29 spaces would create problems in parking on nearby streets.

Yours truly,

Lorne & Elinor Raycraft



E. A. SIMPSON
CITY CLERK

K. E. AVERY
DEPUTY CITY CLERK

CA4 ON HRL A05
CSIP4
1988

CITY HALL
HAMILTON, ONTARIO
L8N 3T4

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

1988 April 21

URBAN MUNICIPAL

APR 21 1988

NOTICE OF MEETING

GOVERNMENT DOCUMENTS

Planning and Development Committee
Wednesday, 1988 April 27
2:00 o'clock p.m.
Room 233, City Hall

Mrs. Susan K. Reeder
Secretary

NOTE: Zoning Applications will be heard in the Council Chambers at 3:00 o'clock p.m.

A G E N D A

1. Minutes of the meeting held Wednesday, 1988 April 13th.
(copy to follow)

BUILDING COMMISSIONER

2. Demolition Permit Applications.
 - (a) 99 Arbour Road
 - (b) 407 Sherman Avenue North.
3. Authorization to attend - 1988 Annual Conference of the Ontario Association of Committees of Adjustment.



DIRECTOR OF COMMUNITY DEVELOPMENT

4. Revised Board of Management - Ottawa Street Business Improvement Area (B.I.A.).
5. Authorization of a Special Meeting prior to City Council
- Awarding of a Contract - Phase V of the Downtown Hamilton Action Plan, James Street North Streetscape Improvements.
6. Termination of an Encroachment Agreement at 224 James Street North - Phase V of the Downtown Hamilton Action Plan.

DIRECTOR OF PROPERTY

7. Sale of City land - Part 11, Plan 62R-6188 (26 Keefer Court)
Kenora Industrial Park - Ironwood Design & Construction Limited.

COMMISSIONER OF ENGINEERING

8. Cash payment in lieu of 5% Parkland dedication - "Wentworth Place - Phase 1".

TASK FORCE ON STUDENT HOUSING

9. Replacement of member.

L.A.C.A.C.

10. Designation of the West Avenue School, 255 West Avenue North.
11. Outstanding Achievement Award - Mrs. Diane Dent, Chairperson,
L.A.C.A.C. - no copy.
(Alderman W. McCulloch.)
12. Designation of the Zeller's Building, 22-26 James Street North.

COMMISSIONER, PLANNING AND DEVELOPMENT

13. Condominium Applications

- (a) SA87-34, Hampton Court Management Inc., owner, to establish a draft plan of condominium for property located on the south-west corner of Main Street East, and Erie Avenue; Stinson Neighbourhood.
- (b) SA88-07, Ablaka Developments Limited, owner, to establish a draft plan of condominium, for property located on the south side of Bigwin Road between Anchor Road and Pritchard Road; North Hannon Neighbourhood.
- (c) SA88-08, Galwan Canada Limited, owner, to establish a draft plan of condominium, for property located on the south side of Duke Street between Park Street South and Bay Street South; Durand Neighbourhood.

14. Hamilton-Wentworth Official Plan Amendment No. 33.

CORRESPONDENCE

15. Mr. John A. Parente - Rent Controls.

ZONING APPLICATIONS

3:00 O'CLOCK P.M.

COUNCIL CHAMBERS

3:00 o'clock P.M.

16. Zoning Application 88-03, Todor Pvrui, owner, for a change in zoning from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "G" (Neighbourhood Shopping Centre) District, Raleigh Neighbourhood, for property located at 802 Concession Street.

Letters of Submission

- (a) M. Dunlop, 23 East 34th Street
 - (b) Mrs. M. Scott, 803 Concession Street, #304
 - (c) C.S.T. French, 21 Ben Lomond Place, #409
 - (d) Eileen Runion, 801 Concession Street, #704
 - (e) M. Le Huray, 805 Concession Street, # 21.
 - (f) Mr. & Mrs. Boecker, 806 Concession Street.
17. Zoning Application 88-05, Antonio Dussin, prospective owner, for a change in zoning from "L-m-1" (Planned Development - Multiple Residential, etc.) District, for property at 1556 Upper Gage Avenue; and Subdivision Application SA-88-01, to establish a plan of Subdivision at No. 1556 Upper Gage Avenue; Eleanor Neighbourhood.

3:30 o'clock p.m.

18. Neighbourhood Plan Review, vicinity of Fieldway Drive; Bruleville Neighbourhood.
19. Other Business.
20. Adjournment.

Wednesday, 1988 April 13
2:00 o'clock p.m.
Room 233, City Hall

The Planning and Development Committee met:

There were present: Alderman J. Smith, Chairman
Alderman D. Ross, Vice-Chairman
Mayor Robert M. Morrow
Alderman T. Cooke
Alderman D. Christopherson
Alderman B. Hinkley
Alderman W. McCulloch
Alderman D. Agostino
Alderman H. Merling

Also present: Alderman G. Capps
Alderman T. Murray
Mr. P. Lampman, Building Department
Mr. L. Harvey, Building Department
Mr. V. Abraham, Director of Local Planning
Mr. M. Watson, Real Estate Division
Mr. D. Godley, Planning Department
Mr. E. Kowalski, Director of Community Development
Mr. K. Brenner, Regional Engineering Department
Mr. J. Sakala, Planning Department
Ms. V. Grupe, Planning Department
Ms. M. Germann, Building Department
Mr. R. Karl, Traffic Department
Mr. P. Mallard, Planning Department
Ms. L. Lawrence, City Solicitor's Office
Mr. P. Hooker, City Solicitor's Office
Mr. J. Zipay, Planning Department
Mr. D. Powers, City Solicitor's Office
Mrs. Susan K. Reeder, Secretary

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 April 5 respecting the Rental Housing Protection Act -Demolition Application DE-87-001 - 174 Main Street West; recommending denial of the application.

Rental Housing Protection
Act - Demolition Permit
Application -
174 Main Street West.

Ms. Vanesa Grupe of the Planning Department outlined the staff report with respect to this application.

Ms. Wendy Kennington, Apartment 18 at 174 Main Street West spoke to the Committee. She indicated that the cost of moving is high and that she has already spent money on redecorating her apartment. She said she would find it very difficult to find an apartment at the same price and location and that she has lived there almost one year. She added that her rent is \$299.45.

Ms. Vasseur, Apartment 23 at 174 Main Street West spoke to the Committee. She indicated that she is a nineteen year resident of the building and that she pays \$250.00 for her one bedroom apartment. She added that the advantages of this building are that it is reasonable and close to downtown. She said she would find it very difficult to find something similar at the same price and location.

Mr. Blake Wetherup, Apartment 14 at 174 Main Street West spoke to the Committee and indicated that he is a three year resident of this building. He added that he pays \$260.00 for a bachelor apartment. He added that residents of the building are on restricted incomes and that he would find it difficult to find a comparable substitute for the apartment he now has. He also mentioned the high cost of moving which would be very difficult for him to afford.

Mr. Goldberg, Solicitor for the owners of the building spoke to the Committee. He indicated that it is his view that the proposal for demolition and the proposal to build condominium units would "not adversely affect the affordable rental housing in Hamilton". He feels that under this category that they should have their demolition permit granted. Mr. Goldberg advised the Committee that the development cost of this project is in the 18 - 20 million dollar range and that 240 condominium units will be built. He estimated that each unit will cost approximately \$100,000. He indicated also that residents will be given one year's notice and that demolition of this building will not occur immediately. He added that this development will increase the City's Tax Base and will bring jobs to the City during the construction period.

Mr. Goldberg also added that most tenants (approximately 50%) have lived in the building for less than one year. He added also that he feels that the Rental Housing Protection Act is regulatory rather than prohibitory and that the staff recommendation is not in the best interest of the Community.

The Committee then discussed this application. Following considerable discussion on this matter by the Committee it was then moved by Alderman McCulloch, seconded by Alderman Hinkley and carried to APPROVE the following recommendation:

That the application for demolition of 174 Main Street West, under the Rental Housing Protection Act, BE APPROVED TO TAKE EFFECT ONE YEAR HENCE. (1989 April 26th.), conditional upon the following:

- (a) That the demolition control provisions of The Planning Act, Section 33, are applied.

NOTE: The Planning and Development Committee at their meeting held Wednesday, 1988 April 13th requested of the owners of the building at 174 Main Street West that they give every assistance to the current tenants of the building in relocating to alternate accommodation.

The following requests were made to the owners by the Committee:

- (a) That any tenant moving from the building be given his/her final month's rent at no charge, in order to assist the tenant with their moving expenses; and
- (b) That any apartments becoming vacant will not be rented; and
- (c) That the owners of the building will work with the relevant City/Regional agencies to assist any tenants who request assistance in relocating to alternate accommodations.

Alderman Christopherson and Alderman Agostino opposed.

Zoning Applications.

At this point the Committee then adjourned to the Council Chambers to hear Zoning Applications.

ZA86-62 - 849 and 853
Upper Wentworth Street.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 March 23 respecting Zoning Application 86-62 for property at 849 and 853 Upper Wentworth Street; recommending denial of the application.

The report of the circularization was given as follows:

566 notices sent 16 in favour 5 opposed

Mr. Manfred Rudolph, representative of the owner spoke to the Committee. He submitted a report from Grant Bacchus Limited, Consulting Traffic Engineers supporting the proposal along with a letter from the City Director of Traffic Services.

Mr. Rudolph indicated that his client is a long time resident of the City and that this property is his only investment which he wishes to pass on in his estate as he has an adult handicapped child to provide for. Mr. Rudolph also added that he feels that the argument of staff that this application would generate high traffic is not valid.

The Committee then discussed this application and it was moved by the Mayor, seconded by Alderman Cooke and carried to APPROVE this application as follows:

- (a) That APPROVAL be given to Official Plan Amendment No. 57 to amend the provisions of Special Policy Area 33 by deleting a restaurant use from the list of prohibited uses applicable to property located at Nos. 849 and 853 Upper Wentworth Street as shown on the attached map marked as APPENDIX "A"; and that the City Solicitor be directed to prepare a By-law to adopt this Official Plan Amendment for submission to the Regional Municipality of Hamilton-Wentworth.
 - (b) That APPROVAL be given to Zoning Application 86-62, Joyce and Ernest Monkley, owners, for a modification to the established "HH" (Restricted Community Shopping and Commercial, etc.) District regulations, for properties located at Nos. 849 and 853 Upper Wentworth Street, as shown on the attached map marked as APPENDIX "A", on the following basis:
 - i) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A of Zoning By-law No. 6593, as amended by By-law No. 80-107 and By-law 85-172 applicable to the subject lands, be further amended as follows:
 - 1. That, notwithstanding Section 2.1 of By-law No. 80-107 passed by City Council on 1980 April 8, and notwithstanding Section 2(a)(ii)1. of By-law No. 85-172 passed by City Council on 1985 August 27, a restaurant use shall be permitted.
 - ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1075, and that the subject lands on zoning District Map E-27 be notated S-1075.
 - iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27.
 - iv) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No. 57 by the Regional Municipality of Hamilton-Wentworth.
- NOTE: The purpose of the By-law is to provide for a modification to the established "HH" (Restricted Community Shopping and Commercial, etc.) District regulations applicable to property located at Nos. 849 and 853 Upper Wentworth Street.

The effect of the By-law is to permit a restaurant use to be established on the subject lands, whereas a restaurant was previously prohibited by By-laws 80-107 and 85-172.

Z488-10 -
863 and 867 Upper
Paradise Road.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 April 5 respecting Zoning Application 88-10 for property at 863 and 867 Upper Paradise Road; recommending denial of the application.

Report of the circularization was given as follows:

302 notices sent 6 in favour 10 opposed

The Committee was in receipt of a letter from Mr. Alec Anastasiou, 861 Upper Paradise Road in opposition to the application. Mr. Anastasiou spoke to the Committee and indicated that this proposal would be right next door to his new home. He added that no privacy fence has ever been put in and that there is constant garbage from this site now. He also indicated that 5 homes have gone up for sale recently in this area because of the possibility of further commercial development.

Mrs. Gladys House, 859 Upper Paradise Road, also appeared before the Committee in opposition to this application. She added that she has a new home and is concerned at the garbage that would be generated from this operation.

The Committee was also in receipt of a letter from Mrs. Joyce Mongeon, 599 Stone Church Road West in which she gives her comments on this application. Mrs. Mongeon indicates that she has no particular comment on this rezoning other than wishing to have this matter deferred to prevent "an even further deterioration of this area".

The Committee was also in receipt of a letter forwarded to them from the applicant from Mr. Ronald O. Rambarran, President, Stone Church Co-operative Homes Inc. supporting this application.

Mr. Hemstreet, owner and prospective owner for the properties referred to in the application spoke to the Committee. He indicated that he does not believe that a privacy fence was required, as per Mr. Anastasiou's previous comment but that he would be glad to put one up if it is required.

Mr. Hemstreet addressed the concerns of garbage and indicated that the garbage is originating from the Mac's Milk Store, not from his property. He indicated to the Committee that he will be putting a single family home next to the proposed development to act as a buffer for the present residents in this area.

The Committee then discussed this application and it was moved by Alderman Ross, seconded by Alderman McCulloch and carried to APPROVE the application as follows:

That APPROVAL be given to Zoning Application 88-10, Alex Hemstreet, owner and prospective owner, for a change in zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District modified to "R-4" (Small Lot Single-Family Detached) District and "EH" (Restricted Community Shopping and Commercial) District modified, for properties located at Nos. 863 and 867 Upper Paradise Road, shown as Blocks "1" and "2" on the attached map marked as APPENDIX "B", on the following basis:

- i) That the lands shown as Block "1" on APPENDIX "B" be rezoned from "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District modified to "R-4" (Small Lot Single-Family Detached) District.

- ii) That the lands shown as Block "2" on APPENDIX "B" be rezoned from "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District modified to "HH" (Restricted Community Shopping and Commercial) District.
- iii) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A of Zoning By-law No. 6593 applicable to the lands shown as Block "2", be modified to include the following variances as special requirements.
 - 1. Notwithstanding Section 14A(1)(d) of By-law No. 6593 a coin operator manual car wash containing not more than 5 bays or stalls shall be permitted.
 - 2. Notwithstanding Section 14A(3)(a) of By-law No. 6593 a front yard of a depth of at least 3.0m (9.84 feet) may be provided for the gas bar kiosk.
 - 3. Notwithstanding Section 14A(3)(c) of By-law No. 6593 a rear yard of a depth of at least 3.0m (9.84 feet) may be provided.
 - 4. A planting strip having a minimum width of 3.0m (9.84 feet) shall be provided and maintained along the northerly side lot line and the rear lot line.
 - 5. A visual barrier not less than 1.2 m (3.94 feet) in height and not greater than 2.0m (6.56 feet) in height shall be provided and maintained along the boundary of the northerly side lot line and rear lot line.
 - 6. A planting strip having a minimum width of 1.5m (4.92 feet) shall be provided and maintained along the front lot line, except for vehicular access.
- iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1074, and that the subject lands on Zoning District Map W-27C be notated S-1074.
- v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-27C.
- vi) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- vii) That the approved Gilkson Neighbourhood Plan be amended by changing the designation of the lands shown as Block "2" on APPENDIX "B" from "Single and Double Residential" to "Commercial".

NOTE: The purpose of the By-law is to provide for changes in zoning for properties located at Nos. 863 and 867 Upper Paradise Road, on the following basis:

- (a) Block "1" - Change from "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District modified to "R-4" (Small Lot Single-Family Detached) District.

- (b) Block "2" - Change from "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District modified to "HH" (Restricted Community Shopping and Commercial) District.

The effect of the By-law is to permit the following uses:

- (a) Block "1" - a single-family dwelling.
- (b) Block "2" - a gas bar and a coin operated manual car wash containing not more than 5 bays and stalls.

In addition the By-law provides for the following variances as special requirements for the lands shown as Block "2":

- (a) To permit a front yard of a depth of at least 6.0m (19.69 feet), for the gas bar kiosk, whereas 12.0m (39.37 feet) is required (Section 14A(3)(a)).
- (b) To permit a rear yard of 3.0m (9.84 feet), whereas 6.0m (19.69 feet) is required (Section 14A(3)(c)).
- (c) To require a planting strip having a minimum width of 3.0m (9.84 feet) along the northerly side lot line and rear lot line.
- (d) To require a visual barrier not less than 1.2m (3.94 feet) in height and not greater than 2.0m (6.56 feet) in height along the boundary of the northerly side lot line and rear lot line.
- (e) To require a planting strip having a minimum width of 1.5m (4.92 feet) along the front lot line, except for vehicular access.

ZAB7-137 -
225 Kenilworth
Avenue South.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 April 8 respecting zoning application 87-137 for property at 225 Kenilworth Avenue South; recommending approval of the application.

Report of the circularization was given as follows:

249 notices sent 42 in favour 13 opposed

Mr. Olympico, 30 Normandy Road spoke to the Committee and expressed frustration at this proposal. He added that he has lived in his home since 1950 and questioned who owned the building and who sold it. It was clarified to Mr. Olympico that the Board of Education owned this building and that they subsequently sold it to a private developer. It was further added that this property was advertised and sold on the open market.

Mr. Victor Kaufman, 14 Normandy Road spoke to the Committee. He indicated that he would like to see a one level building next to their properties with perhaps 3 levels at the back in line with the adjacent apartments. A letter from Mr. & Mrs. Kaufman dated 1988 April 5 indicating what they would like to see on that site.

A representative of home owners on Garside, Normandy, and Crosswaite spoke to the Committee. He indicated that the home owners are all opposed to the application. He added that the residents are confused at the proposal. They are hearing conflicting stories. He indicated that the residents are concerned at the appearance of the development and that no green space has been allowed. He added that the proposal for a "creative playground" is unnecessary as there are very few children in the area. He added that this is primarily an older section of the City and mainly occupied by seniors. He advises that they would prefer landscaped area.

Mr. Mike Herwick, owner of an apartment building at 1791 King Street East spoke to the Committee and indicated that he doubts that the developers intend to put a senior citizen complex on the site but that they wish to have the zoning changed in order to put another development there. He expressed concern at the parking inadequacies in the proposal.

Ms. Laura Grice, 199 Kenilworth Avenue South spoke to the Committee and asked if the City had suggested to the developers that they put a senior citizen's home at that site. Mr. Victor Abraham, Director of Local Planning indicated that they had been approached by the developer and had indicated that from a planning perspective they could support such a proposal but had not made a suggestion to put this at the site.

Mrs. Nuskca, 178 Crosswaite Avenue South spoke to the Committee and asked whether all of the tenants in this senior's unit will be allowed a car when there are only 29 parking spaces being provided.

Mr. Kaufman, 14 Normandy Road, who had spoken earlier in the meeting also added that the area has poor water pressure now and that he is concerned at the impact on the water pressure that this added development would have.

Mrs. Eleanor Raycroft, 208 Tuxedo Avenue South spoke to the Committee. The Committee was in receipt of a letter from her and her husband dated 1988 April 7 in which they expressed their opposition to this application. Mrs. Raycroft added that she feels this development will adversely affect the area and that there is an insufficient number of parking spaces provided in the application which shows great irresponsibility on the part of the developer.

Mr. Weisz, representative of the owners spoke to the Committee. He indicated that there are 54 units in the proposal at an average of 500 square feet each which would mean that no family would be able to live in such a small area. Mr. Weisz further added that they have provided more parking than is required as only 20 percent parking is required for a senior's building. He added that studies have determined that there is a need for a senior citizen apartment in this area due to the aging population. He concluded by adding that they are willing to forget this proposal if the residents are so strongly opposed to it.

The Committee was also in receipt of the following correspondence respecting this matter:

- (a) Letter and petition from Mrs. Grace Ciancone, 219 Garside Avenue in opposition to this application.
- (b) Letter from Ms. Madeleine Stock, 18 Normandy Road respecting comments on what they would like to see at that property as well as opposition to a playground in the area.
- (c) A small note from Mr. Ray Polensk, indicating that there should be one spot of parking for every unit in the proposed development and if that were the case they would be in favour of it.
- (d) Letter from Gene L. Yachetti, 1724 King Street East - objecting to any change in zoning.

The Committee then discussed this application at great length and it was moved by Alderman Christopherson, seconded by Alderman Agostino and carried to DENY this application as follows:

That Zoning Application 87-137, Miraletto Holdings Limited, owner, requesting an amendment to the Official Plan and a change in zoning from "C" (Urban Protected Residential, etc.) District to "DE-3" (Multiple Dwellings) District, for property located at No. 225 Kenilworth Avenue South, as shown on the attached map marked as APPENDIX "C", BE DENIED for the following reason:

- (a) There is insufficient off-street parking facilities provided for the proposed development.

Demolition Permit
Applications.

The Committee was in receipt of a report from the Building Commissioner dated 1988 April 6 respecting demolition permit applications.

Moved by Alderman McCulloch, seconded by Alderman Hinkley and carried to APPROVE the following recommendation:

That the Building Commissioner be authorized to issue demolition permits for the demolition of the following residential buildings:

- (a) 88 Aurora Avenue
- (b) 194 Forest Avenue

1987 Annual Audited
Statements -
Kirkendall-Strathcona
Neighbourhood
Improvement Programme/
Kirkendall-Strathcona
Neighbourhood House
(Wesley Urban
Ministries).

The Committee was in receipt of a report from the Director of Community Development dated 1988 April 7 respecting the 1987 Annual Audited Statements - Kirkendall-Strathcona Neighbourhood Improvement Programme/Kirkendall-Strathcona Neighbourhood House (Wesley Urban Ministries).

The Committee then APPROVED the following:

That the audited financial statements and annual report for the Kirkendall-Strathcona Neighbourhood House for 1987 BE ADOPTED.

NOTE: Wesley Urban Ministries submits Annual Statements for the Wesley Centre and the subject Neighbourhood House inclusive. The City of Hamilton has a "requirements for Mortgage/Agreement" with the Ministry for the Neighbourhood House only, under the Neighbourhood Improvement Programme, implemented in 1981. A copy of this report is available on request from the Planning and Development Committee Secretary.

Application - Ontario
Home Renewal Programme.

The Committee was in receipt of a report from the Director of Community Development dated 1988 April 5 respecting an application under the Ontario Home Renewal Programme.

The Committee then APPROVED the following recommendation:

That the Director of Community Development be authorized to process the following grant/loan in the amount not to exceed \$7,500. The actual amount of grant or loan to be determined by inspection of the property under the Property Standards By-law 74-74 and pursuant to Regulation 506 (R.R.O. 1980) under The Housing Development Act for the Ontario Home Renewal Programme.

- (a) A. Samotulka
23 Province Street North.

The Committee was in receipt of a report from the Director of Community Development dated 1988 April 7 respecting landscaping and financing for the York Boulevard triangle.

Landscaping and
financing - York
Boulevard triangle.

Moved by Alderman McCulloch, seconded by Alderman Christopherson and carried to APPROVE the following recommendation:

- (a) That the design of the York Boulevard triangle located at the northwest corner of James Street North and York Boulevard BE APPROVED at a total estimated cost of \$35,040. (attached herewith and marked APPENDIX "D") as presented by F. Basciano Landscape Architects Limited; and,
- (b) That the Executive Committee be requested to recommend the method of financing the implementation of this landscaping plan; and,
- (c) That F. Basciano Landscape Architects be authorized to proceed with the detailed design, tender documents and public tender process to implement the York Boulevard triangle landscaping plan.

The Committee was in receipt of a report from the Director of Community Development dated 1988 April 7 respecting authority to proceed with details - Crown Point West/Stipeley Programme for renewal, improvement, development and economic revitalization (PRIDE).

Authority to proceed
with details - Crown
Point West/Stipeley
Programme for Renewal,
Improvement, Development
and Economic
Revitalization (PRIDE).

The Committee APPROVED the following:

That F. Basciano Landscape Architects Limited be authorized to proceed with the final details and tender documents for the following Crown Point West/Stipeley PRIDE projects at a gross estimated construction cost of \$654,000: Clinton St. site, King St. East site, Hayward site, Memorial School site, Holy Name of Jesus site and Street Tree Planting.

NOTE: For the information of the members of City Council, Ontario Municipal Board approval was received 1988 February 04. The following is a breakdown of the total cost per site: Clinton St. site \$186,000., King St. East site \$25,000., Hayward site \$33,000., Memorial School site \$10,500., Holy Name of Jesus site \$345,000., Street Tree Planting \$54,000. Total \$654,000.

The Parks and Recreation Committee approved the design concepts on 1988 April 05 (attached herewith and marked APPENDIX "E"). Upon approval of the above recommendation, F. Basciano will provide the City of Hamilton with the final tender documents for review by in-house staff and construction tender. Council will note that there are two design concepts for the Holy Name of Jesus site. If there are objections from the public, to the closure of Beck Street and a portion of Belview, then concept 'B' will be implemented.

Design of the Jarvis
Street Parking Lot -
Phase IV of the
Downtown Hamilton
Action Plan.

The Committee was in receipt of a report from the Director of Community Development dated 1988 April 7 respecting design of the Jarvis Street Public Parking Lot - Phase IV of the Downtown Hamilton Action Plan.

Mr. Bruce Corban and Mr. Dan Euser of Moorhead, Fleming, Corban, McCarthy were in attendance to speak to this report.

Mr. Bruce Corban outlined the design to members of the Committee. Alderman McCulloch indicated that Mr. Guisel, owner of the Hamilton Squash Club and Mr. Lewis, owner of Steel's Dining Room are expressing concern that the design will have a visibility impact on their businesses.

It was then moved by Alderman McCulloch, seconded by Alderman Hinkley and carried to APPROVE the following:

- (a) That Phase IV of the Downtown Hamilton Action Plan, Jarvis Street Public Parking Lot (revised design) (attached herewith and marked APPENDIX "F") BE APPROVED and,
- (b) That Moorhead Fleming Corban be authorized to proceed with the final construction documents and tender of the Jarvis Street Public Parking Lot.

NOTE: For the information of the members of City Council, the Consultants have estimated the cost of this project at \$417,465. (attached herewith and marked APPENDIX "G"). Ontario Municipal Board approval for expenditure of the total Phase IV funds was received in 1987 in the amount of \$1,429,000.

On 1988 April 13th the Planning and Development Committee approved the above-noted design and directed that staff continue to work with the Consultants and the affected merchants to lessen the visual impact of the design on their businesses.

Attachment of light
fixtures on privately
owned buildings
adjacent to alleyways -
Phase IV Laneway
Lighting Programme.

The Committee was in receipt of a report from the Director of Community Development dated 1988 April 7 respecting attachment of light fixtures on privately owned buildings adjacent to alleyways - Phase IV Laneway Lighting Programme.

The Committee APPROVED the following:

- (a) That, the Downtown Hamilton Action Plan Phase IV Laneway Lighting Programme BE APPROVED at an estimated cost of \$30,000.; and,
- (b) That the City Solicitor be authorized to prepare the necessary legal agreements to attach and maintain the lighting fixtures to private property; and,
- (c) That the Mayor and City Clerk be authorized to execute the agreements referenced in (b) above.

NOTE: For the information of the members of City Council, the cost for purchase and installation of these fixtures is included in the Phase IV budget.

Phase IV of the Downtown Action Plan includes improvements to laneways and parking lots within the Downtown Action Plan study area. The Consultant has identified two (2) major elements of the improvements as "clean-up" and "light-up" of the laneways. Similar to the City of Toronto, it is proposed that, because of restricted space, luminaires be attached to adjacent building faces rather than being pole mounted. This will require a legal agreement between the City and/or its agents and each property owner.

There will be approximately 30 property owners affected by this with buildings fronting on King Street East between James and Wellington Streets. Both the City and the Consultant (Moorhead Fleming Corban) have met with many of the affected owners and they have strongly supported the lighting project. Hamilton Hydro Electric System have reviewed and chosen the fixture as a Sylvania "Alleycat" 100 watt luminaire.

The Committee was in receipt of a report from the Director of Property dated 1988 March 25 respecting a purchase by the City of property at 407 Sherman Avenue North.

Purchase by the City -
407 Sherman Avenue North.

The Committee APPROVED the following:

That an Option to Purchase the property at 407 Sherman Avenue North duly executed by Dennis Rados on 1988 March 23, and scheduled to close on or before 1988 June 20, BE COMPLETED.

NOTE: This property is required in connection with the acquisition of lands in the Alpha Enclave (West) Plan I and has a frontage of 6.224 metres (20.420 feet) more or less, by a depth of 27.432 metres (90 feet) more or less, and containing an area of 170.73² metres (1,837.8 square feet) more or less, together with all structures erected thereon. The purchase price of \$71,750. and all costs and associated expenses, including Tenant's Moving Allowance, to be charged to Account #0408-W75266. Demolition is to take place upon closing.

The Committee was in receipt of a report from the Director of Property dated 1988 March 28 respecting a sale of City land at 36 Keefer Court.

Sale of City Land -
36 Keefer Court.

The Committee APPROVED the following:

That an Offer to Purchase the lands of the Corporation of the City of Hamilton duly executed on 1988 March 15, by the Purchaser, Aiden Tuite and scheduled for closing on 1988 June 6, BE APPROVED and completed.

NOTE: The purchase price is \$56,600. and the funds are to be credited to account 0280-02 - Reserve for Property Purchases. A deposit cheque in the amount of \$5,660. is being held by the City Treasurer pending Council approval.

It is understood and agreed that the Vendor, upon completion of this transaction will pay a 5% real estate commission to Dunn Realty Inc., whose agent, Mr. Jack Dunn acted in this matter.

The property is composed of a parcel of land located on the southern limit of Keefer Court having a frontage of 37.016 metres (121.44 feet) by a depth of 59.496/92.310 metres (195.19 feet/302.85 feet) and containing an area of 2,863 square metres (.7075 acres) and more particularly described as Part 10, Plan 62R-6188 (36 Keefer Court).

This transaction includes special building covenants, agreements and restrictions which are set out on the pages attached hereto, and marked APPENDIX "H".

Cash payment in lieu
of parkland -
Templemead No. 2
Survey - Phase 5.

The Committee was in receipt of a report from the Regional Engineering Commissioner dated 1988 April 5 respecting cash payment in lieu of 5% parkland dedication for Templemead No. 2 Survey - Phase 5.

The Committee APPROVED the following:

That the Corporation of the City of Hamilton accept the sum of \$20,863.50 as cash payment in lieu of 5% dedication in connection with "TEMPLEMEAD NO. 2 SURVEY - PHASE 5", this being the cash requirement under Section 50 of the Planning Act.

NOTE: These lands are located west of Upper Ottawa Street and south of Stone Church Road in the Templemead Neighbourhood.

Cash payment in lieu of
parkland - Eaglewood
Estates - Phase 1.

The Committee was in receipt of a report from the Regional Engineering Commissioner dated 1988 April 5 respecting a cash payment in lieu of 5% parkland dedication for Eaglewood Estates - Phase 1.

The Committee APPROVED the following:

That the Corporation of the City of Hamilton accept the sum of \$38,525. as cash payment in lieu of 5% dedication in connection with "EAGLEWOOD ESTATES - PHASE 1", this being the cash requirement under Section 50 of the Planning Act.

NOTE: These lands are located west of Upper Gage Avenue and south of Stone Church Road in the Eleanor Neighbourhood.

Approval process for
Site Plan Control
Applications.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 March 28 respecting the approval process for Site Plan Control Applications.

The Committee APPROVED the following:

- (a) That the Chairman of the Planning and Development Committee, the ward Alderman who sits on the Planning and Development Committee, or in his or her absence, the other Ward Alderman be authorized to APPROVE Site Plan Control applications;

- (b) That where the Chairman of the Planning and Development Committee or the ward Alderman who sits on the Planning and Development Committee or in his or her absence the other ward Alderman, consider it appropriate, the Site Plan Control Application may be forwarded to the Planning and Development Committee for consideration.

NOTE: With a view to expediting the approval process for Site Plan Control, this procedure has been in use as a trial procedure for a period of one year. Normally, Site Plan Control Applications require approval of the Planning and Development Committee. The shorter procedure has assisted in expediting the applications and is recommended to be continued.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 March 25 respecting a proposed plan for part of the Allison Neighbourhood.

The Committee APPROVED the following recommendation:

That the Planning and Development Committee authorize a Public Meeting to discuss the proposed Neighbourhood Plan.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 April 5 respecting a request for a general amendment to Zoning By-law No. 6593.

The Committee APPROVED the following:

That the Planning and Development Department, in consultation with other City Departments, be directed to undertake a review of all "E" Districts (i.e. - "E", "E-1", "E-2", "E-3") as a City initiative, and submit a report for the consideration of the Planning and Development Committee on the feasibility of adding "Retirement Homes" as a permitted use.

NOTE: The review is to be undertaken as a "Demand Responsive Project" under the 1988 Work Programme, subject to the availability of time. Alternatively, the review is to be included as a "Special Project" in the 1989 Work Programme.

The Committee was in receipt of the minutes of their meeting held Wednesday, 1988 March 30 and it was moved by Alderman Hinkley, seconded by Alderman Christopherson and carried to ADOPT these minutes.

There being no further business, the meeting then adjourned.

Taken as read and approved,

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Mrs. Susan K. Reeder
Secretary
1988 April 13

Proposed Plan - Part
of Allison Neighbour-
hood - Authorizing a
Public Meeting.

General Amendment -
Zoning By-law No. 6593.

Minutes -
1988 March 30.

Adjournment.

2.

FOR ACTION

REPORT TO: THE PLANNING AND DEVELOPMENT COMMITTEE

FROM: P. KUPPE, BUILDING COMMISSIONER

DATE: April 20, 1988

COMM. FILE:

DEPT. FILE:

SUBJECT:

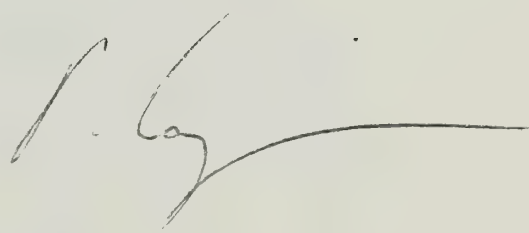
Demolition

RECOMMENDATION:

That the Building Commissioner be authorized to issue demolition permits for the demolition of the following properties.

A. 99 Arbour Road

B. 407 Sherman Avenue North

A handwritten signature in dark ink, appearing to be 'P. Kuppe', is written over the right side of the recommendation section.

FINANCIAL IMPLICATIONS: N/A

BACKGROUND:

For background information see attached sheets.

FOR ACTION

3.

APR 19 1988

REPORT TO: PLANNING AND DEVELOPMENT COMMITTEE

FROM: P. KUPPE, BUILDING COMMISSIONER

DATE: April 15, 1988

COMM. FILE:

DEPT. FILE: 88.2.4.2.1

SUBJECT:

1988 Annual Conference of the Ontario Association of Committees of Adjustment.

RECOMMENDATION:

That two members of the Committee of Adjustment be authorized to attend the 1988 Annual Conference of the Ontario Association of Committees of Adjustment and Consent Authorities to be held for three days in June in Cornwall, Ontario, at an expense not exceeding \$680.00 each, to be charged to account 0321-0291, Legislative Travelling.

FINANCIAL IMPLICATIONS:

BACKGROUND:

The above-noted conference is an educational conference of mutual benefit to all members across the Province. The Conference in 1987 was jointly hosted by the City of Hamilton and the Regional Municipality.

4.

FOR ACTION

REPORT TO: Planning and Development Committee

FROM: Mr. E. W. Kowalski, Director
Community Development Department

DATE: 1988 Apr. 15
COMM FILE:
DEPT FILE: 800-0014.10

SUBJECT:

Ottawa Street Business Improvement Area (B.I.A.); Revised Board of Management

RECOMMENDATION

- i) That, By-law #81-47 appointing the Ottawa Street Business Improvement Area Board of Management be amended to delete the following names: Mr. Mike Cole, Mr. Chuck Weber, Mr. Steve Konstantinidis, Mr. Trent Richer, and add the following names: Mr. Don Ferrell, Ms. Lorraine Baker and Mr. Ed Widerman.
- ii) That, the City Solicitor be authorized and directed to amend By-law #81-47 pursuant to (i) above.

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

N/A

BACKGROUND

As stated in Section 217, sub-section 6 and 8 of the Municipal Act:

- (6) "A Board of Management...is a body corporate and shall consist of such a number of members appointed by Council".
- (8) "Where a vacancy occurs from any cause, the Council shall appoint a person qualified".

Attached is a list of the Board of Management members.

Ottawa Street Business
Improvement Area (B.I.A.)



326-1/2 Ottawa St. N., Hamilton, Ont.
L8H 4A1 Tel: 544-5822

April 4, 1988

Mr. E. W. Kowalski
Director of Community Development
City Hall
71 Main St. West
Hamilton, Ontario
L8N 3T4

Attention: Ms. Jacqueline McNeilly

Dear Jacqueline:

At an Ottawa Street B.I.A. Board of Directors meeting held Wednesday, March 16, 1988 it was moved and carried that Don Ferrell of Giant Tiger be accepted as a member of the Board.

Since Mike Cole's resignation in November, notices have gone out to the general membership regarding the opening on the Board. Don Ferrell offered his services as a Director, at the Board meeting.

The following is a list of the nine Directors of the Board including the addition, for your approval:

Ted Culshaw	A & B Catering	Chairman
Saul Eisenberg	Liberty House	Vice-Chairman
Gerald Carrey	Howards Flower Shoppe	Secretary
Edith Desmarais	Fred Gregory Florist	Treasurer
Tom Easterbrook	Kents Hardware	Director
John Gut	The Textile Centre	Director
Lorraine Baker	Janome Sewing Centre	Director
Ed Widerman	Heirloom Portraits	Director
Don Ferrell	Giant Tiger	Director

If there is any questions concerning this nomination, please do not hesitate to contact me.

Sincerely,

Diane Morris
DM/em

cc. Mr. P. Valeriano - Alderman, Ward 3
Mr. B. Hinkley - Alderman, Ward 3
Mr. D. Christopherson - Alderman, Ward 4
Mrs. G. Copps - Alderman, Ward 4

April 6/88

800-0014-1

869-06

88/4/6

FOR ACTION

5.

REPORT TO:

Planning and Development Committee

FROM:

E. W. Kowalski, Director
Community Development

DATE: 1988 April 21

COMM FILE:

DEPT FILE: 800-0602.5

SUBJECT:

Phase V of the Downtown Hamilton Action Plan, James Street North Streetscape Improvements: Awarding of a Contract.

RECOMMENDATION

That the Planning and Development Committee hold a special meeting prior to City Council on 1988 May 10 to award a contract to carry out Phase V. of the Downtown Hamilton Action Plan.

FINANCIAL IMPLICATIONS

If the appointment of the contractor is delayed past 1988 May 10, we run the risk of not being able to carry out the entire construction project within the construction season of 1988. The City of Hamilton will run the risk of delay claims from the contractor and complaints from the Jamesville Business Improvement Area.

E. Kowalski

BACKGROUND

On 1988 January 12, City Council approved the Second Report of the Planning and Development Committee which approved the design of James Street North Streetscape. Subsequently, the Consultants and various representatives from City and Regional staff have worked out all of the details for the tender documents. On 1988 April 12 and 14 this project was advertised in the Spectator and the Daily Commercial News requesting tender submissions. Subsequently, on 1988 May 02, tenders will be opened and the successful contractor will be recommended. In order to save time and gain as much of the construction season as possible for this extensive project, we respectfully request that the Planning and Development Committee hold this special meeting prior to City Council so that construction can start without delay.

c.c. Mr. T. Bradley
Director, Purchasing Department

6.

FOR ACTION

REPORT TO:

Planning and Development Committee

FROM:

E. W. Kowalski, Director
Department of Community Development

DATE: 1988 April 20

COMM FILE:

DEPT FILE: 800-0602.5

SUBJECT:

Phase V of the Downtown Hamilton Action Plan; Encroachment at
224 James Street North

RECOMMENDATION

- i) That, the Transport and Environment Committee be requested to terminate the encroachment agreement between the City of Hamilton and the owner of 224 James Street North (Mattina Brothers Hardware).
- ii) That, the Regional Engineering Department be directed to take the necessary action with respect to (i) above.

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

The owner of 224 James Street North pays to the City an amount of one hundred and fifty-six dollars (\$156.00) per year.

BACKGROUND

Phase V of the Downtown Hamilton Action Plan includes improvements to James Street North from Vine to the C.N.R. tracks. This includes streetscaping on intersecting streets to a logical terminus point around each corner which includes the Mattina Brother's encroachment on the north east corner of James and Robert Streets

The Downtown Action Plan Co-ordinating Committee reviewed this situation at its meeting held 1988 April 14 and adopted the following motion:

"That City Council terminate the existing encroachment between the City of Hamilton and the owner of 224 James Street North that

Attached as Appendix 'A' is a map showing the location of the encroachment.

is at the pleasure of City Council, so that landscaping of this area can be included in Phase V of the Downtown Hamilton Action Plan".

The Committee members felt that, for aesthetic reasons, this encroachment if allowed to remain would be dramatically opposed to the beautification that will be achieved through implementation of Phase V of the Downtown Hamilton Action Plan.

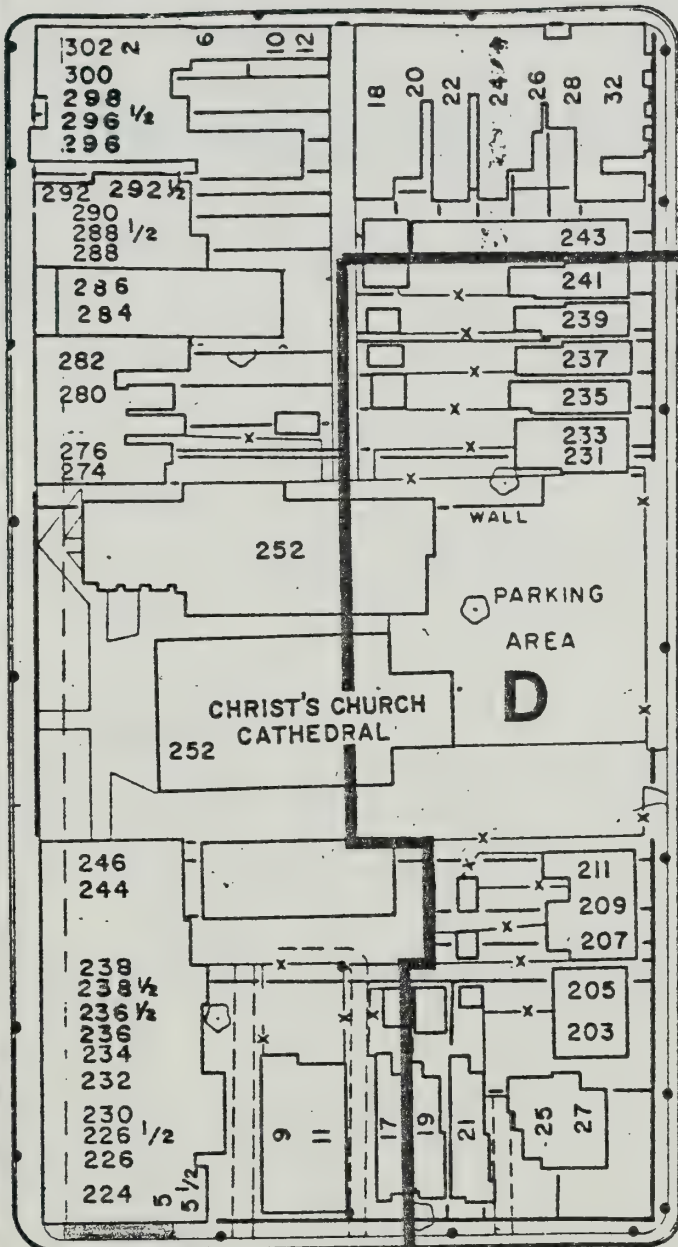
c.c. Mr. R. Prowse, Secretary
Transport and Environment Committee

c.c. Engineering Department
Att: Mr. R. Meiers
Planning Engineer (Roads)

BARTON

STREET

JAMES



FOR ACTION

APR 20 1988

7.

REPORT TO: Mrs. S. Reeder, Secretary
PLANNING & DEVELOPMENT COMMITTEE

FROM: Mr. D.W. Vyce, Director of Property

DATE: April 18, 1988

COMM FILE: 40.15.66
DEPT FILE: (4504)

SUBJECT:

Sale - Part 11, Plan 62R-6188 - (26 Keefer Court)
Kenora Industrial Park - Ironwood Design & Construction Ltd.

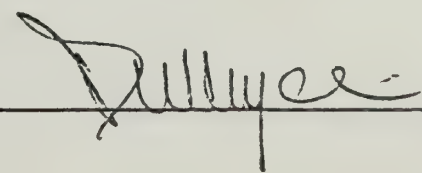
RECOMMENDATION

That an Offer to Purchase the lands of The Corporation of the City of Hamilton duly executed on April 14, 1988, by the Purchaser, Ironwood Design & Construction Ltd. and scheduled for closing on July 17th, 1988, be approved and completed.

The purchase price is \$89,488.00 and the funds are to be credited to account 0280-02 - Reserve for Property Purchases. A deposit cheque in the amount of \$8,948.00 is being held by the City Treasurer pending Council approval.

The property is composed of a parcel of land located on the southern limit of Keefer Court having a frontage of 87.652 metres (287.57 feet) by a depth of 59.496 metres/74.303 metres (195.19 feet/243.77 feet) and containing an area of 4,527 metres squared (1.1186 acres) and more particularly described as Part 11, Plan 62R-6188 (26 Keefer Court).

This transaction includes special building covenants, agreements and restrictions which are set out on the pages attached hereto, which terms should be included in the Committee's resolution to City Council.



FINANCIAL IMPLICATIONS

See above recommendation

BACKGROUND

This department has received an inquiry from Ironwood Design & Construction Ltd., who wish to purchase a one acre site on Keefer Court on which they plan to build a 10,000 square foot industrial building for lease purposes.

Attach.

- c.c. - Mr. K.A. Rouff, City Solicitor.
- Mr. E.C. Matthews, City Treasurer
 - Mr. M. Chidley, Regional Surveyor

6.1 The Purchaser acknowledges to the Owner that the Purchaser realizes that in addition to the sale price payable in this Offer to Purchase, there may be municipal, regional, governmental or provincial charges, fees, levies and rates to be paid by the Purchaser; in particular, without limiting the generality of the foregoing, the Purchaser realizes that he may also be required after the grant to him:

- (a) to pay municipal, realty and business taxes;
- (b) to pay City Local Improvement Charges for City services such as streets, sidewalks and curbs;
- (c) to pay Regional Local Improvement Charges for Regional services such as water supply, storm sewers and sanitary sewers;
- (d) to pay Regional Special Charge (sewer impost fee), upon application for a building permit;
- (e) to pay building permit application fee;
- (f) to pay for storm and sanitary sewers, water lines, their connections and laterals under the street and under the Purchaser's property;
- (g) to pay for the connection of all utilities to the premises;
- (h) to prepare and obtain approval of site plans pursuant to The Planning Act prior to the issuance of a building permit and to enter into a site plan agreement, if requested by the municipality;
- (i) to convey five percent (5%) of the land to the municipality for park purposes as a condition of development or redevelopment of the land for residential purposes;
- (j) to apply for a re-zoning of the property in the event that the Purchaser's proposed use of the property is not permitted by the zoning by-law. Such application is subject to the approval of the City and the approval of the Ontario Municipal Board.

6.2 This Agreement may not be assigned by the Purchaser. In particular and without limiting the generality of the foregoing statement, it is understood and agreed that only the Purchaser named herein shall take title on closing and the Purchaser does not have the right to direct the Owner to convey the land to the Purchaser in trust, to the Purchaser and another or to a new third party.

6.3 In consideration for the grant of the hereinbefore described land to the grantee, in addition to payment of the sale price to the grantor, the grantee covenants and agrees to and with the grantor:

1. That the grantee shall commence construction of a building, having a minimum building area of 10,000 square feet, upon the hereinbefore described land by not later than January 17th, 1989.

Building area is the greatest horizontal area of a building within the outside surface of the exterior walls. Construction is considered commenced when the foundations have been installed as determined by the Office of the Building Commissioner.

2. That the grantee shall complete construction of the said building not later than January 17th, 1990.

The building is considered complete upon the issuance by the Office of the Building Commissioner of a Final Inspection Report.

Continued.....1(b)

3. In the event that the grantee does not comply with covenants 1 and 2 or either of them by the date(s) set out therein, the grantee covenants and agrees that the grantee shall sell the lands to The Corporation of the City of Hamilton, free and clear of all charges, encumbrances, liens, claims or adverse interests whatsoever - if requested by the City, for the sale price herein, (without any interest) - less (a) the herein deposit; (b) the commission paid; (c) arrears of realty taxes (including the local improvement charges), penalty and interest owing on them - and further, without increase or compensation for costs of any improvements, additions, alterations, services or structures on, in or under the said lands.
- 6.4 The Purchaser agrees that the restrictions, covenants and agreements in paragraph 6.3 shall not merge upon the closing of this transaction but shall continue in full force and effect for the benefit of the Vendor, its successors and assigns.
- 6.5 The Purchaser agrees that the deed to him which he shall execute shall be subject to and include said paragraph 6.3 and its restrictions, covenants and agreements.

F O R A C T I O N

8.

REPORT TO: S. REEDER, SECRETARY
 PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. R. G. LEACH
 COMMISSIONER OF ENGINEERING

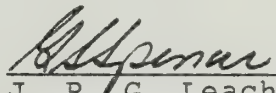
DATE: 1988 April 19
COMM. FILE:
DEPT. FILE: S723-30
I.D. 0008D(19)

SUBJECT

"WENTWORTH PLACE - PHASE 1", Hamilton
(Cash Payment in lieu of 5% Parkland Dedication).

RECOMMENDATION

- (a) That the Corporation of the City of Hamilton accept the sum of \$6,900.00 as cash payment in lieu of 5% dedication in connection with "WENTWORTH PLACE - PHASE 1", Hamilton, this being the cash requirement under Section 50 of The Planning Act.

for 

J. R. G. Leach
Commissioner of Engineering

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

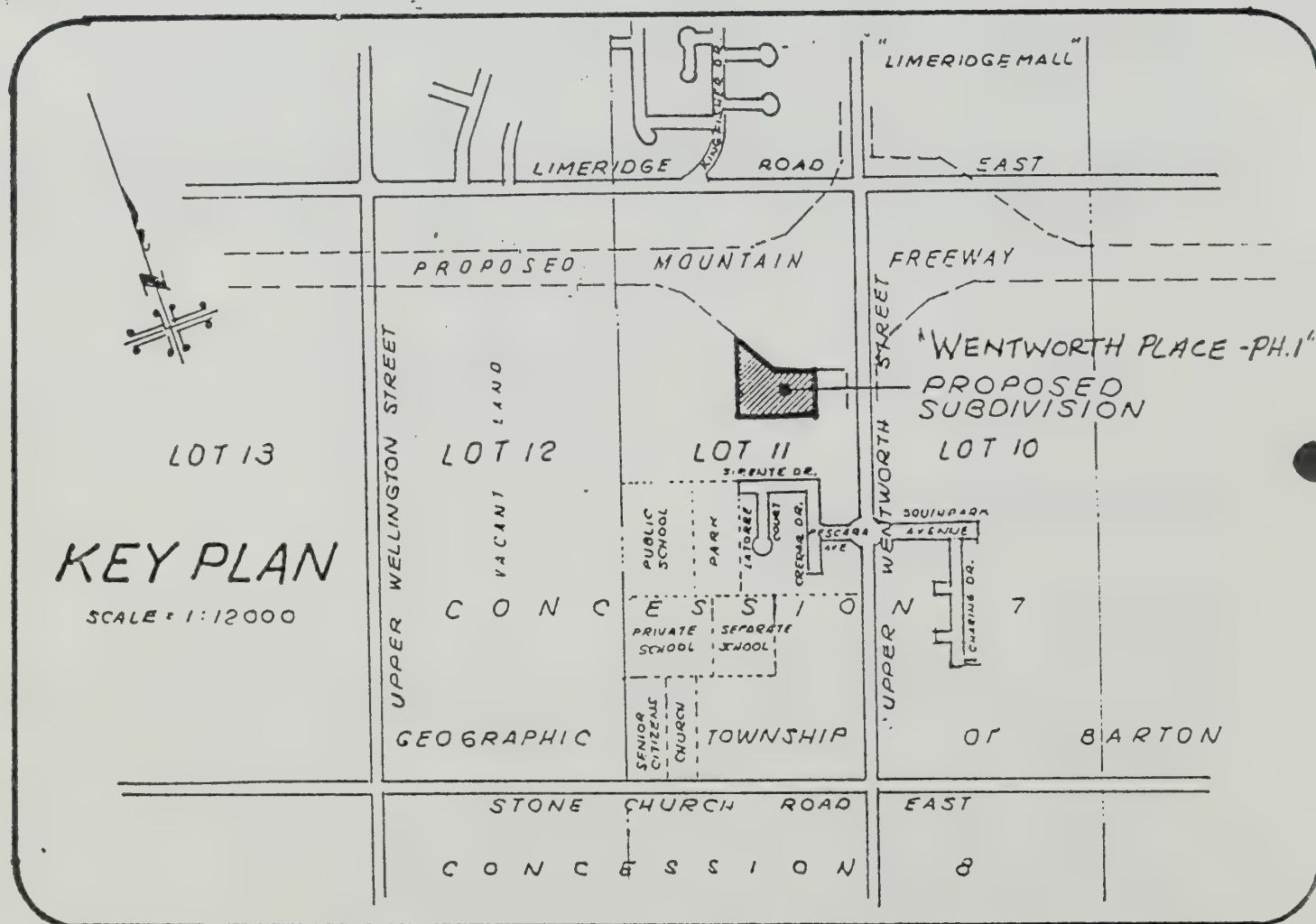
The owners of the lands for the above-referenced subdivision will be executing a Subdivision Agreement with the City of Hamilton in the near future. A copy of the Final Survey Plan is attached for your information.

In accordance with standard City procedure, the City and Regional staff have completed calculations for the 5% cash payment in lieu of Parkland Dedication. The sum to be included in the Subdivision Agreement has been calculated to be \$6,900.00.

NOTE: These lands are located south of Limeridge Road and west of Upper Wentworth Street in the Crerar Neighbourhood, Hamilton.

CU
JB
CAU:cab.
Encl.

c.c. D. Consoli, City Treasury Department
 K. A. Rouff, City Solicitor



9.

FOR ACTION

REPORT TO: Mrs. S.K. Reeder, Secretary
Planning and Development Committee

FROM: Mrs.S.M. Glover, Secretary
Task Force on Student Housing

DATE: 1988 April 19

COMM FILE:

DEPT FILE:

SUBJECT:

Replacement of member of the Task Force on Student Housing.

RECOMMENDATION

That Suzan E. Fraser replace Mr. Bob Jarecki as a representative of the Student Union on the Task Force on Student Housing.

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

Not Applicable

BACKGROUND

Stella Glover
Stella Glover
Secretary

FOR ACTION

10.

REPORT TO: Mrs. Susan Reeder, Secretary,
Planning and Development Committee

FROM: Miss Charlene Coutts, Secretary
Local Architectural Conservation
Advisory Committee

DATE: 1988 April 15
COMM FILE:
DEPT FILE: 120-0050

SUBJECT:

Designation of the West Avenue School, 255 West Avenue North.

RECOMMENDATION

That approval be given to the "Intent to Designate" the West Avenue School as a property of Historical and Architectural Value, pursuant to the provisions of the Ontario Heritage Act, 1983.

That the City Solicitor be authorized and directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

C. Coutts, Secretary

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

N/A

BACKGROUND

LACAC gave preliminary approval for the designation of this property at its 1988 March 14 meeting.

Council at its meeting held 1988 March 30 voted to deny demolition of the School building. (Reasons for Designation are attached).

Attached is a report prepared by Alderman Wheeler on West Avenue School.

Attachments

REASONS FOR DESIGNATION

WEST AVENUE SCHOOL 255 West Avenue North

The present West Avenue school building, which includes the original 1885 school and several later additions, is situated at the south-west corner of West Avenue North and Barton Street East, across from the Hamilton General Hospital. This Victorian school is an important local landmark on the commercial thoroughfare of Barton Street East and the residential street of West Avenue.

The original West Avenue School was designed by Hamilton architect Lucien Hills. Its basic design - the cubic form, hipped roof and central tower - was typical of the public schools designed by Hamilton architects in the 1870s and 1880s. A unique feature of Hill's design is the arched pediment which originally had bracketed eaves. Other noteworthy features include the bracketed wooden cornice, the decorative brick quoining, corbelling and string courses, the stone framed circular window and the tall open belfry (removed in 1952).

The original school was substantially enlarged in 1921 by a compatible rear addition (four classrooms) designed by Witton & Walsh. The building's attractive facade has, however, since been obscured by the addition of a gymnasium (1952) and a metal-clad stairwell (1974). Other significant alterations include the removal of the belfry and changes to the arched pediment, which entailed shortening the returned eaves and removing all the brackets.

West Avenue School was the fifth of eleven public schools built in Hamilton during the nineteenth century. It was also the first to be erected in the city's rapidly growing north-eastern section, characterized by industrial development to the north of Barton Street and residential development to the south. Across from West Avenue School on the north side of Barton Street was the first City Hospital (now part of the Hamilton General complex), completed in 1882 and also designed by Lucien Hills.

West Avenue School is one of only four nineteenth century Hamilton public schools still standing. The original school building, with its 1921 addition, has survived largely intact despite insensitive additions and alterations to the main facade.

Important to the preservation of West Avenue School is the retention of all four exterior facades, excluding the gymnasium and stairwell additions, but including the hipped roof with its cupola and dormers, the central tower with its arched pediment, circular window and carved stone "West Avenue School" sign, and the two-over-two, double-hung windows.

WEST AVENUE SCHOOL

This school is directly across from the new General Hospital.

For some time now, historians have been concerned that this school would be knocked down to make way for a parking lot. L.A.C.A.C. is very concerned because this old school represents part of the history of the education process that went on in the Hamilton area. The old centre section represents the first building erected for the children of the 1885 period.

The add-on wings represents the increase in the number of children during the 1920's - 50's period.

The fact that it is no longer needed for "educational purposes" shows the down trend in family size over the past several years.

But, this building need not be ignored for "educational purposes" at this time - let me explain what I mean by that:

The Hamilton General Hospital across the street from this old school has also been going through some redevelopment processes. Not just the new building that we now see erected on the corner of Wellington and Barton Streets, but in its general philosophy as well. The General is a teaching hospital. Affiliated with the McMaster University, it now has students studying to be doctors as a part of its everyday operations.

In my experience, when you build a new building, there is always a need for more space that comes along after the building is completed. I think there will be a need for meeting rooms and office space for many health oriented facilities; this school could be the area where they could be located.

At the hospital board, a need was brought forward that concerned families of patients in I.C.U. or those who are in palliative care. These family members have nowhere to sleep while they are here in our city attending their loved ones. This old school could, I am sure, supply the room to house these people.

The staff from the hospital could see the housekeeping and they would be only a step or two away.

If this is impractical, some thought should be given to having it as a Conference Centre - affiliated with Health.

This would allow the use of the gymnasium/auditorium to be a room for presentations etc. The other rooms, both upstairs and down, could be used for offices. These could house such groups as the Heart & Stroke, the Lung, the Arthritis, Alzheimer's Disease etc.

By having all these health oriented groups under one roof, shared facilities such as secretaries and switchboard operators could be used.

Machines that are necessary for the successful operation of an office such as computers, copiers etc. could also be shared.

If the above idea does not prove to be feasible, there is still a very good concept that should be explored - The Children's Museum.

At its present location, the Children's Museum is cramped and requires far more space than is contained in its present building. To add a wing or extension to the present building is also impossible. Firstly, those that like Gage Park for what it is would resent further building going on in that park. Secondly, the cost involved in building something that would be architecturally correct both for the building it would be attached to as well as the site - would be expensive.

If they could move to the school it would be advantageous for several reasons.

The first is the location - it is a bus route and is centrally located. Its location can be easily described to anyone seeking to find it - "across the street from the General Hospital".

Secondly, the amount of rooms contained in the old building - there are 12 rooms 30' x 30' in size.

It is well windowed with high ceilings.

The present heating is working very well, we have inspected it while the Salvation Army has been using it and it was warm throughout. Whatever space is required for displays or active programmes would be more than adequate. The washroom facilities in the basement could be upgraded, and be of use when school children are there in considerable numbers and large facilities are needed. The auditorium/gymnasium, which is a fairly new addition, gives the museum people a chance to stage shows, give presentations, have movies or slide shows to a large audience and is something the museum has never had before.

All in all, this old building lends itself to a great many diverse uses. There are grants from the Federal and Provincial Governments that could be used to offset the cost of rehabilitation and upgrading.

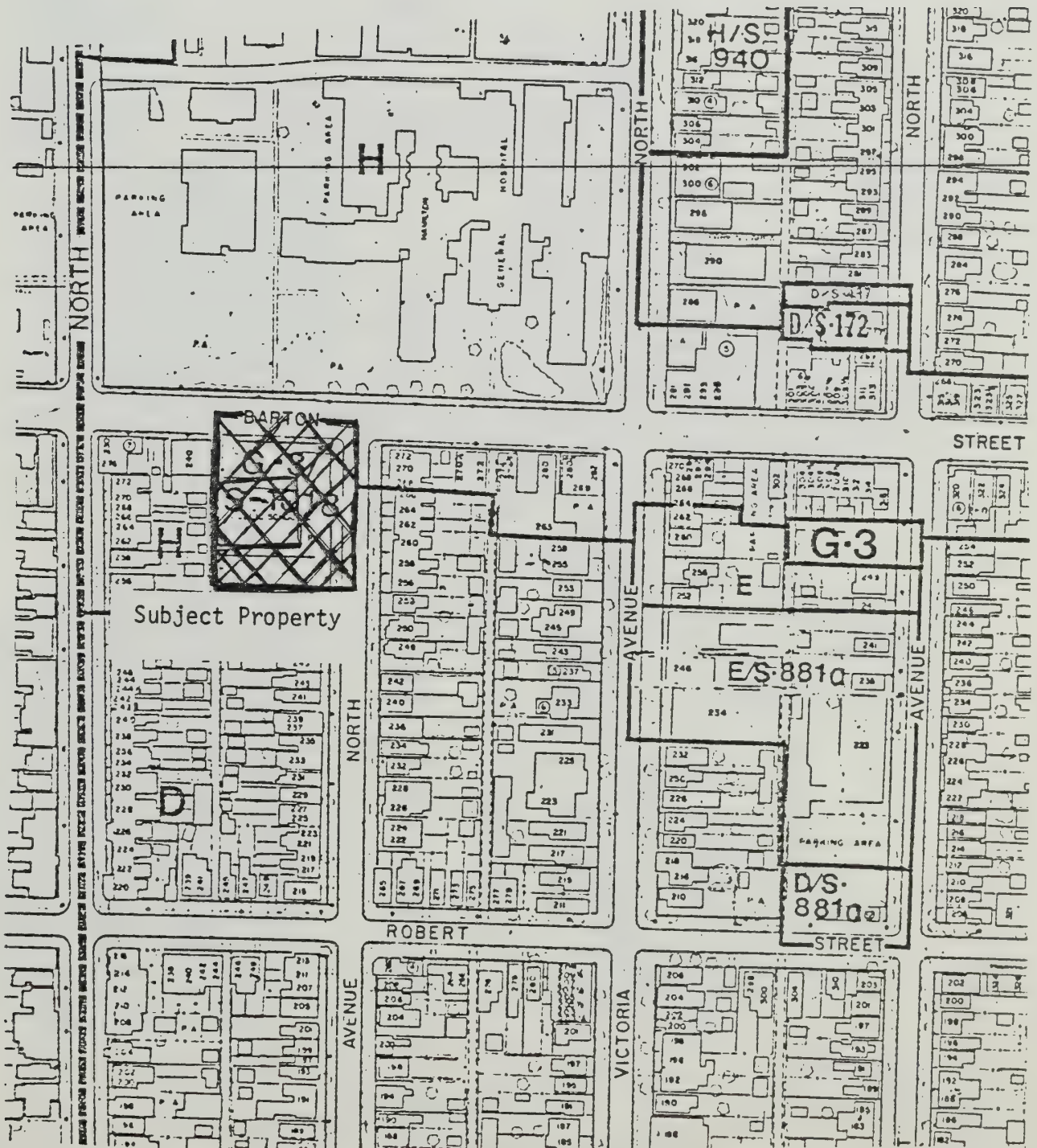
I think it would be a shame to simply tear it down to provide a parking lot. All the above suggestions will take some hard work to bring about, but in the end, the results would be worth it.

Alderman Reg Wheeler

December 30, 1987.

RW/nb

WEST AVENUE SCHOOL SITE



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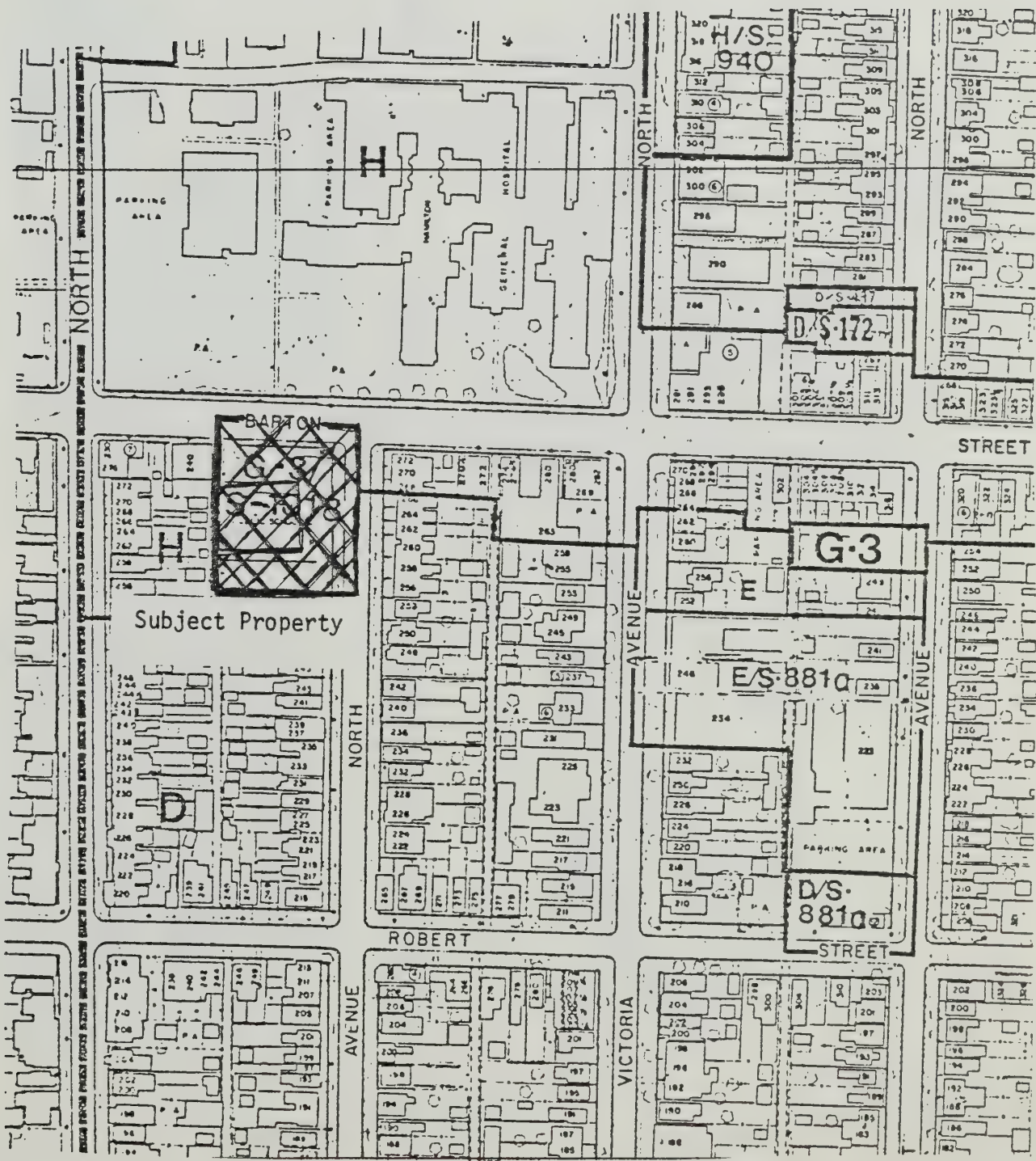
I think it would be a shame to simply tear it down to provide a parking lot. All the above suggestions will take some hard work to bring about, but in the end, the results would be worth it.

Alderman Reg Wheeler

December 30, 1987.

RW/nb

WEST AVENUE SCHOOL SITE





WEST AVENUE SCHOOL



1988 view

FOR ACTION

12.

REPORT TO:

Mrs. Susan Reeder, Secretary,
Planning and Development Committee

FROM:

Miss Charlene Coutts, Secretary
Local Architectural Conservation
Advisory Committee

DATE: 1988 April 15

COMM FILE:

DEPT FILE:

SUBJECT:

Designation of the Zeller's Building, 22-26 James Street North.

RECOMMENDATION

That approval be given to the "Intent to Designate" the Zeller's Building at 22-26 James Street North as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983.

That the City Solicitor be authorized and directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

N/A

C. Coutts, Secretary

BACKGROUND

LACAC gave preliminary approval for the designation of this property at its 1988 January 22 meeting.

Zeller's is listed in the city's inventory of architecturally and/or historically significant buildings and identified in the James North Heritage District background study as one of the nine key heritage buildings on James Street North.

The owner of the building has applied for a demolition permit which can be picked up in the Building Department as soon as Zeller's vacates the building (October 1988) and the services are turned off.

If the building is designated, the demolition permit becomes void and the owner must reapply. Council then has ninety (90) days to decide whether to consent to the application or refuse it. In the latter case, no demolition may take place for at least 180 days.

The designation recommendation was tabled by LACAC at its meeting held 1988 March 14 and referred back to the Research Sub-Committee to determine whether the one-storey King William facade should also be included in the reasons for designation.

The Research Sub-Committee at its last meeting, agreed that this facade was worthy of designation and that its retention would help to preserve the historic character and pedestrian scale of the King William Street scape. (Reasons for designation attached).

Reasons for Designation

THE ZELLER'S BUILDING

22-26 James Street North

The Zeller's building at the south-east corner of James Street North and King William Street was erected in 1929 to accomodate Schulte-United Ltd., an American-owned five-and-dime store. The building has been owned by its Canadian successor, Zeller's Ltd. since 1932 and is historically important for its long association with this Canadian chain department store, established by Walter P. Zeller in 1931.

With its double corner facade and striking ornamental brick and stone work the Zeller's building makes a valuable contribution to two of the City's most important historic commercial streetscapes - James Street North and King William Street (both identified as potential Heritage Conservation Districts). Now facing Lloyd D. Jackson Square, it once had an even more prominent site across from Market Square and the old City Hall, demolished in 1959.

The original Schulte-United store was designed by the well-known Hamilton architect, William J. Walsh. Subsequent alterations and additions for Zeller's included a complete remodelling of the ground floor store entrances and display windows. The present metal, glass and vitrolite store front with its curved canopy over the corner entrance, was characteristic of the "modernistic" style adopted by Zeller's in the nineteen-forties and fifties.

The original brick and stone facades designed by Walsh constitute a good example of Canadian commercial architecture dating from the 1920s, which was still characterized to a large extent by traditional cladding materials and historically-derived ornamentation. Gothic-inspired stone piers rise from foliated corbels and terminate in ornamental finials which display the Schulte-United crest bearing the letter "S". Other noteworthy elements of the upper storey include the large tripartite windows with stone sills and lintels, the truncated corner forming a bay window, and the basket-weave patterned brickwork above the windows.

Of particular importance to the preservation of the Zeller's building are the brick and stone elements of the two street facades, including the one-storey King William facade but excluding the second storey rear addition.

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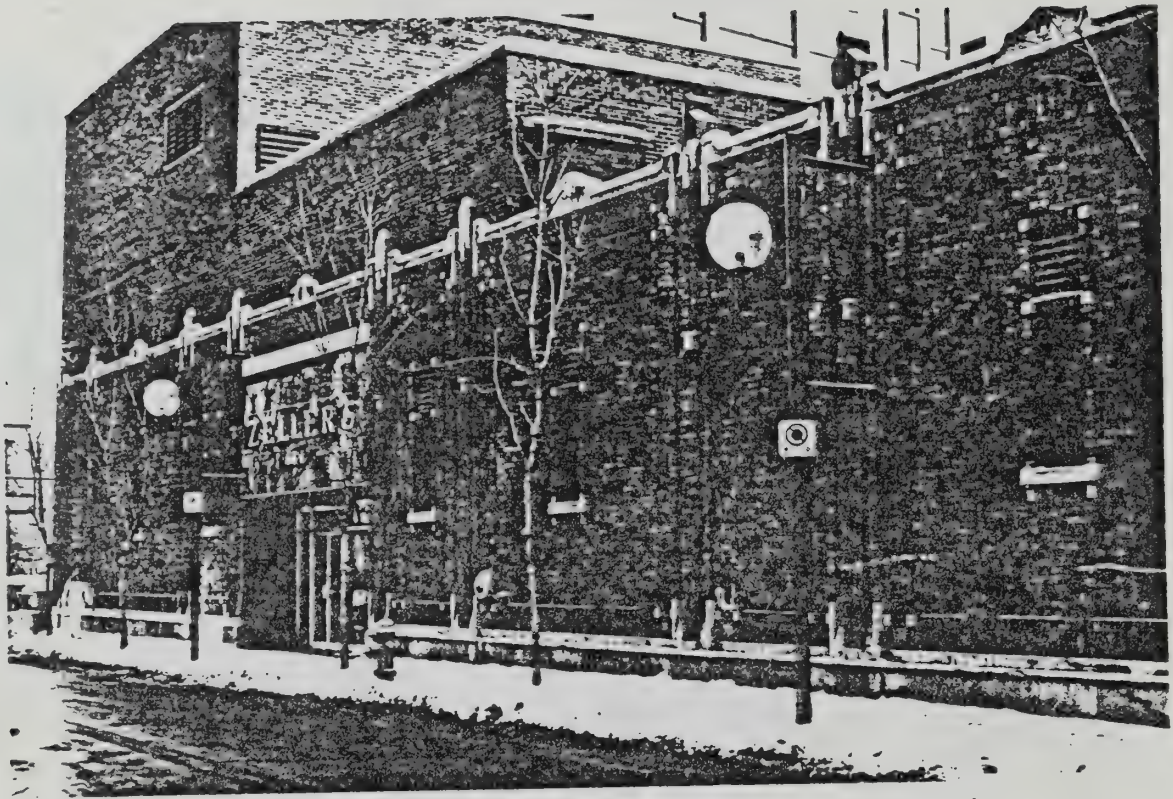
ZELLER'S BUILDING
22-26 James Street North



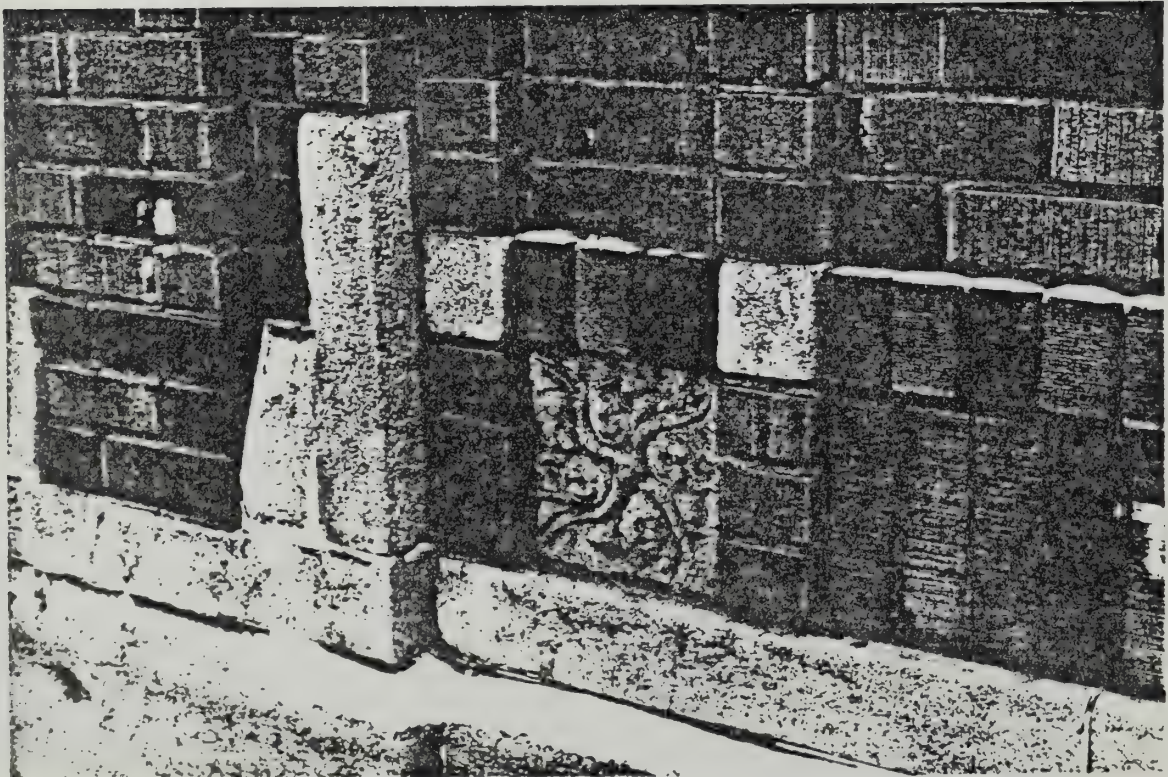
James Street North(west facade) and King William Street(north facade).



South side of King William Street.



One-storey portion of King William facade with second storey rear additon.



Detail of brickwork and cast stone.

13a

FOR ACTION

REPORT TO: SUSAN K. REEDER
ACTING SECRETARY OF THE
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS
COMMISSIONER
PLANNING AND DEVELOPMENT

DATE: 1988 APRIL 8
COMM FILE:
DEPT FILE: SA-87-34
Stinson
Neighbourhood

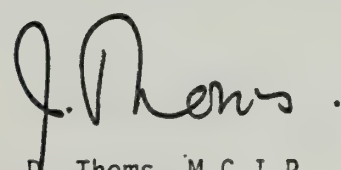
SUBJECT

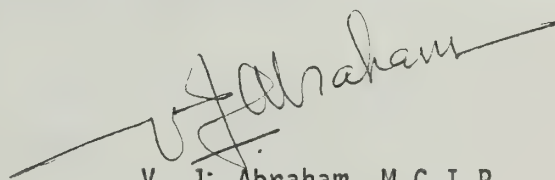
Applicaton to the Region for the approval of a plan of Condominium, Regional File No. 25CDM-87017, City of Hamilton, File No. SA-87-34 to construct 41 apartment units and 3 commercial units.

RECOMMENDATION

That approval be given to application SA-87-34 "Hunter's Green", Hampton Court Management Inc., owner, to establish a draft plan of condominium located on the south side of Main Street East, west of Erie Avenue and east of Tisdale Street South, subject to the following conditions:

1. That this approval apply to the plan prepared by A. J. Clarke and Associates, dated November 3, 1987.
2. That the owner agree in writing to satisfy all financial requirements of the Regional Municipality of Hamilton-Wentworth.


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development


V. J. Abraham, M.C.I.P.
Director
Local Planning Branch

BACKGROUND

Owner

Hampton Court Management Inc., Dundas, Ontario

Location

The lands, comprising 0.189 ha, are located on the south side of Main Street East, east of Tisdale Street South and west of Erie Avenue in the Stinson Neighbourhood, City of Hamilton.

PROPOSAL

The owner proposes to construct 41 apartment units and 3 commercial units in a condominium project.

EXISTING DEVELOPMENT CONTROL

Hamilton-Wentworth Official Plan - the lands are identified as "Existing Development" in the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Commercial", which permits residential uses providing that certain provisions are met.

Zoning - the lands are zoned "CR-2" (Commercial-Residential) District which permits the proposed development and the proposal received Site Plan Approval on May 15, 1987 (DA-87-04).

Neighbourhood Plan - the lands are designated for commercial and apartments. The proposal complies.

COMMENTS FROM CIRCULATION

The following agencies have advised that they have no comment or objection toward the development:

Ministry of Transportation,
Ministry of the Environment (subject to standard conditions for units facing Main Street),
Ministry of Culture and Communications,
City Board of Education,
Hamilton-Wentworth Roman Catholic Separate School Board,
Niagara Escarpment Commission,
Ontario Hydro, Union Gas and Bell Canada,
City Traffic Department,
City Building Department.

The Hamilton-Wentworth Department of Engineering has submitted the following comments and recommendations:

"For Information:

1. Sewers and watermains are available on either Main Street East or Erie Avenue for servicing the subject lands. The Applicant should be advised that they may be required to boost the internal water pressure for the top stories of the building to provide adequate supply for domestic use and fire protection.
2. We do not expect any future road widenings along the frontage of the subject lands. However the applicant should be advised of a possible future daylight triangle being required at the south-west corner of Main Street East and Erie Avenue.
3. There will be no Regional shares for services in connection with this development.

Recommendation:

4. The applicant is to satisfy the Region's financial requirements in regards to making the necessary cash payments for Levies, prior to the release of the Final Plan of Condominium.

The submitted plan, as prepared by A. J. Clarke O.L.S., and dated November 3, 1987, is satisfactory to this Department, subject to the above-noted comments and recommendations."

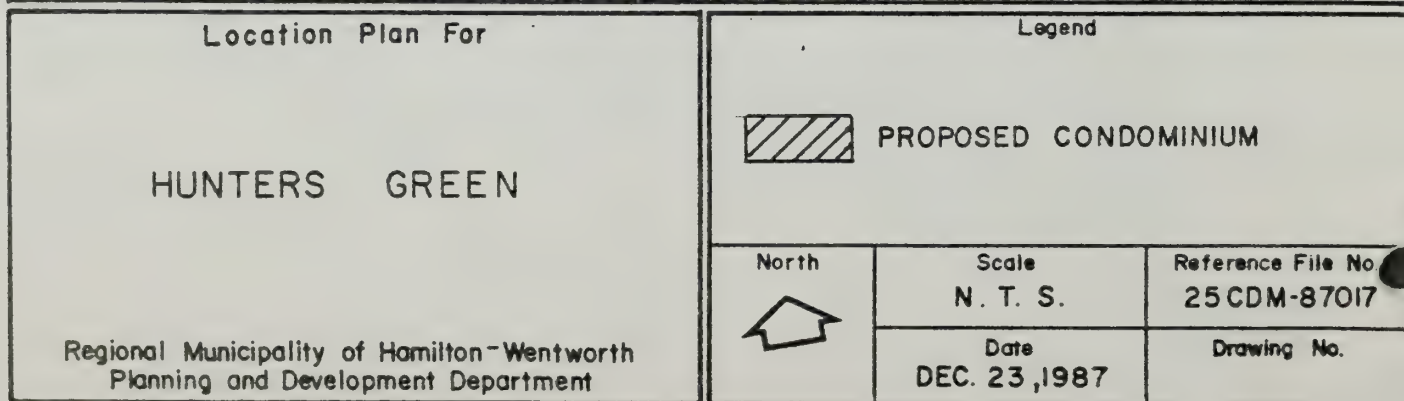
FINANCIAL IMPLICATIONS

N/A

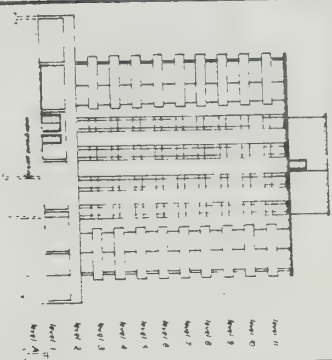
COMMENTS

1. The conformity of the proposal with the Official Plans and Zoning By-law is noted.
2. No commenting agency has objected to the plan of condominium.
3. The owner is required to clarify the small discrepancies in dimensions shown between the proposed plan and the approved Site Plan.
4. The plan of condominium is not a conversion, therefore, is not subject to the Rental Housing Protection Act of the Provincial Government regarding rental conversions.

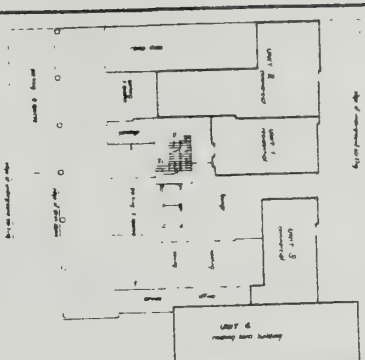
JLS/jd



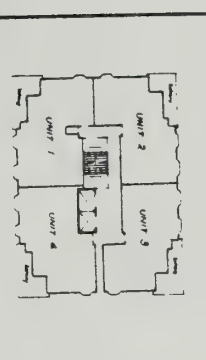
South elevation to show levels



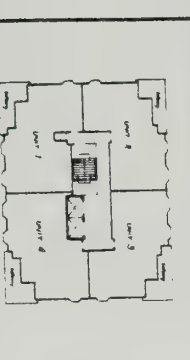
Unit layout level 1



Unit layout level 2



Unit layout levels 3 to 11

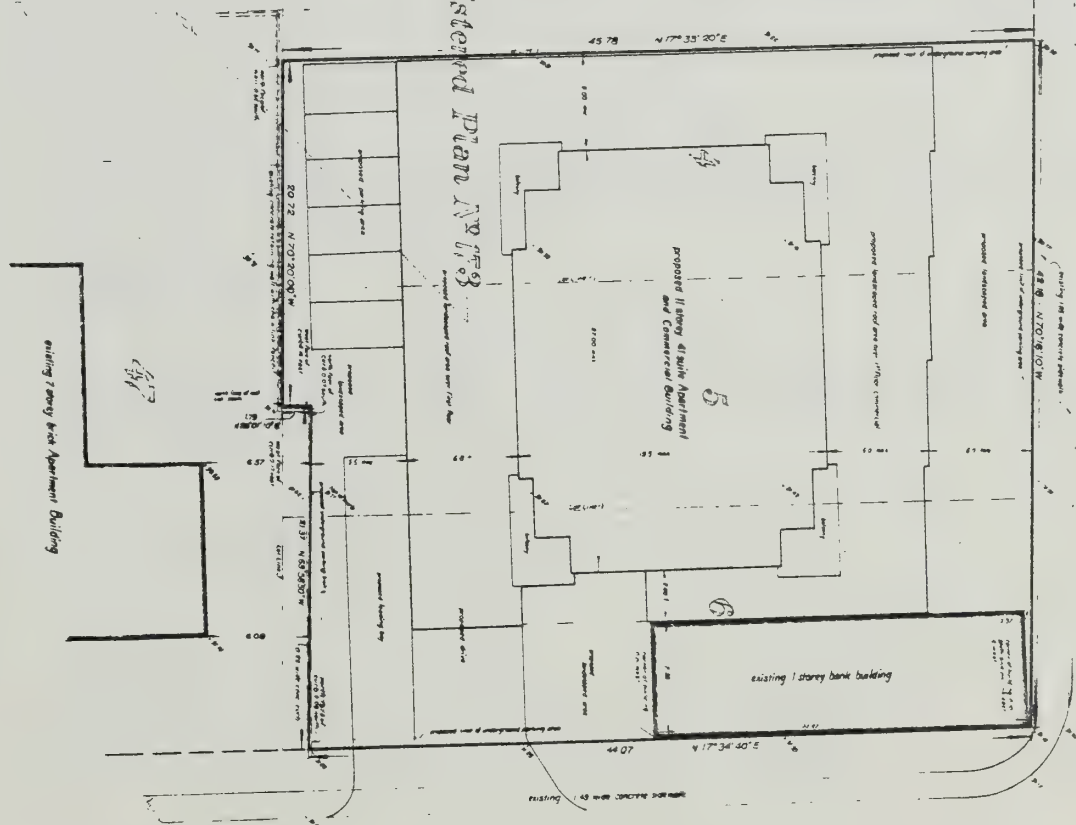


MAIN STREET EAST

Registered Plan No 173

Registered Plan No 526

ST 25 ST 26



ERIE AVENUE



Draft Plan

Quintessence Green

BEING A PROPOSED COMMERCIAL PROJECT OF
LOT 4 and parts of Lots 5 and 6, William B Hunter Survey
Registered Plan No 173

City of Hamilton

REGIONAL MUNICIPALITY OF HAMILTON - WEST DOWNTOWN

SCALE 1:150

A.J. Clark OLS

1987

Note: THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO
REVISION AND AMENDMENT

Drawn: CHANGES SHOWN ON THIS PLAN ARE BY THE DRAFTER AND CAN
BE CONVERTED TO PERMITS BY DIVISION BY D. BOND

Surveyor's Certificate:

I hereby certify that the boundaries of the lands to be surveyed as shown on this plan and map
are in accordance with the Survey Act and Regulations and the Surveyor's Act and Regulations.

Surveyor's Name

Owner's Authorization:

I hereby authorize the Surveyor to survey the lands to be surveyed as shown on this plan and map
and to execute the Surveyor's Certificate and the Surveyor's Act and Regulations.

Owner's Name

As shown on RSO 1980 and/or M.O. Surveying Act

Schedule:

1. The lands to be surveyed as shown on this plan and map are in accordance with the Survey Act and Regulations and the Surveyor's Act and Regulations.

A.J. Clark and Associates
Professional Engineers & Surveyors Limited
Suite 101, 101 Dundas Street East, Hamilton, Ontario L8N 1C7

FOR ACTION

13b

REPORT TO:

SUSAN K REEDER
SECREATRY OF THE
PLANNING AND DEVELOPMENT COMMITTEE

FROM:

J. D. Thoms
COMMISSIONER
PLANNING AND DEVELOPMENT

DATE:

1988 April 11, 1988

COMM FILE:

DEPT FILE

25CDM-88003
SA-88-07
North Hannon
Neighbourhood

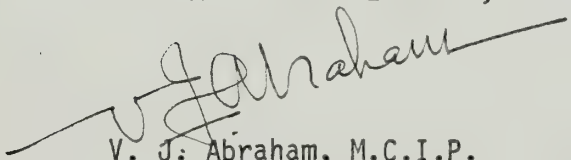
SUBJECT

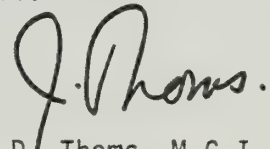
Application to the region for the approval of an industrial plan of Condominium, Regional File No. 25CDM-88003, City of Hamilton File No. SA-88-07 to construct 16 industrial units.

RECOMMENDATION

That approval be given to application SA-88-07 "Stonecliff Place", Ablaka Developments Limited, owner, to establish a draft plan of condominium located on the south side of Bigwin Road, west of Pritchard Road and east of Anchor Road, subject to the following conditions:

1. That this approval apply to the plan prepared by A. J. Clarke and Associates Limited, dated February 17, 1988.


V. J. Abraham, M.C.I.P.
Director
Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

BACKGROUND

Owner

Ablaka Developments Limited, Hamilton, Ontario.

Surveyor

A. J. Clarke and Associates Limited, Hamilton, Ontario.

Location

The lands, comprising 0.6038 ha, are located at the south side of Bigwin Road, west of Pritchard Road and east of Anchor Road, in the North Hannon Neighbourhood, City of Hamilton.

PROPOSAL

The owner proposes to construct 16 industrial units in two buildings in a condominium project.

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Industrial-Business Parks" in the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Industrial". The proposal complies.

Zoning - the lands are zoned "M14" (Industrial) District which permits the proposed development. Site Plan Control Application, DA-87-62, for this development was approved on September 4, 1987.

Neighbourhood Plan - the lands are designated "Industrial" The proposal complies.

COMMENTS FROM CIRCULATION

The following agencies have advised that they have no comment or objection toward the proposal:

Ministry of Transportation
Ministry of Industry and Tourism
Ontario Hydro, Union Gas and Bell Canada
City Traffic Department
City Building Department

The Hamilton-Wentworth Department of Engineering has the following comments:

For Information

- 1) Sewers and watermains are available on Bigwin Road for servicing the subject lands.
- 2) There will be no Region's share for services in connection with this development.
- 3) This Department does not have any conditions to submit for the approval of this draft plan of condominium.

The submitted plan, as prepared by A. J. Clarke O.L.S., and dated February 17, 1988, is satisfactory to this Department, subject to the above-noted comments and recommendations.

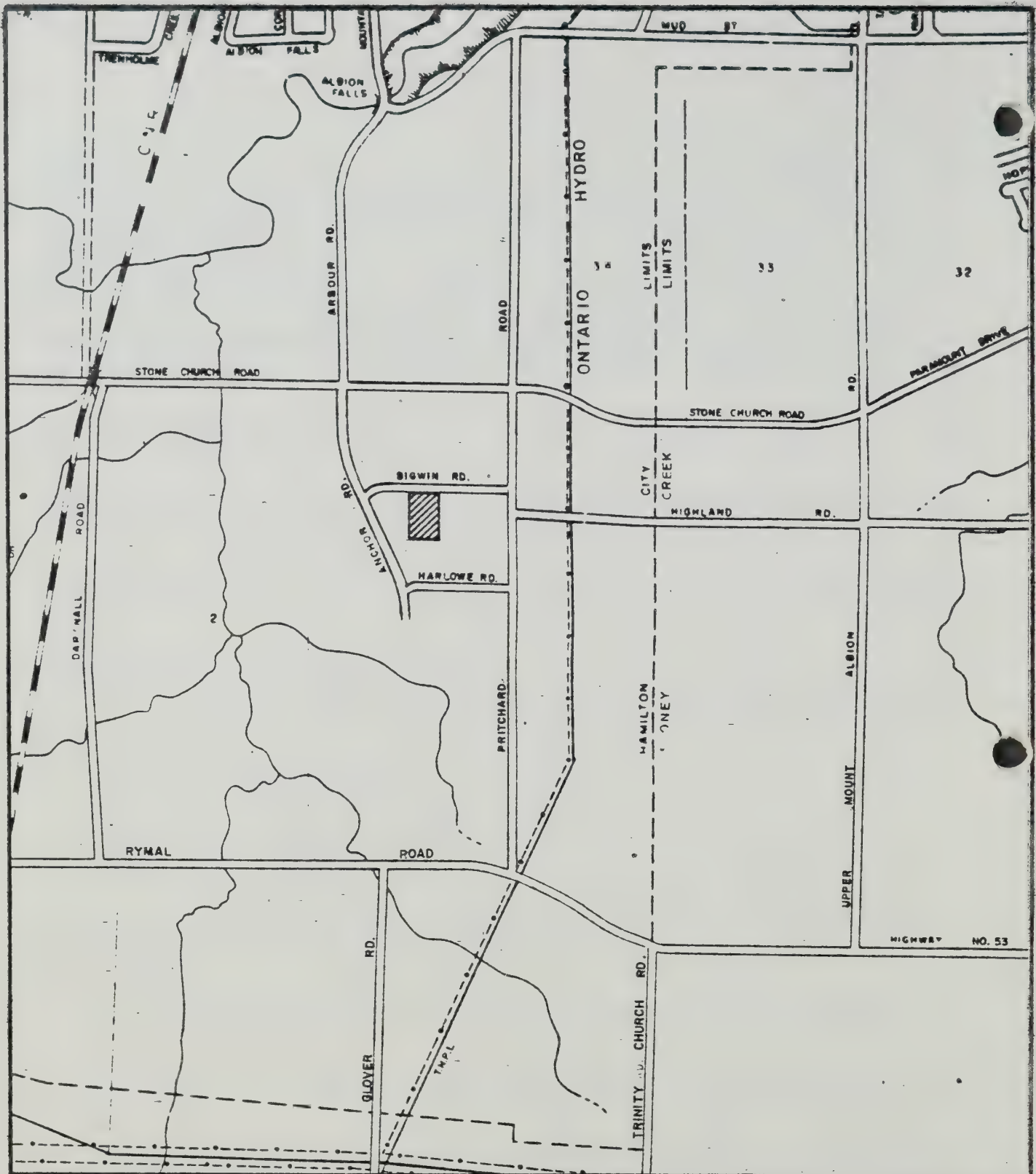
FINANCIAL IMPLICATIONS

Not applicable.

COMMENTS

1. The conformity of the proposal with the Official Plans and the Zoning By-law is noted.
2. No commenting agency has objected to the plan of condominium.
3. The plan of condominium is for industrial purposes.

JLS:dc



Location Plan For

STONECLIFF PLACE

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



PROPOSED CONDOMINIUM

North



Scale

N. T. S.

Date

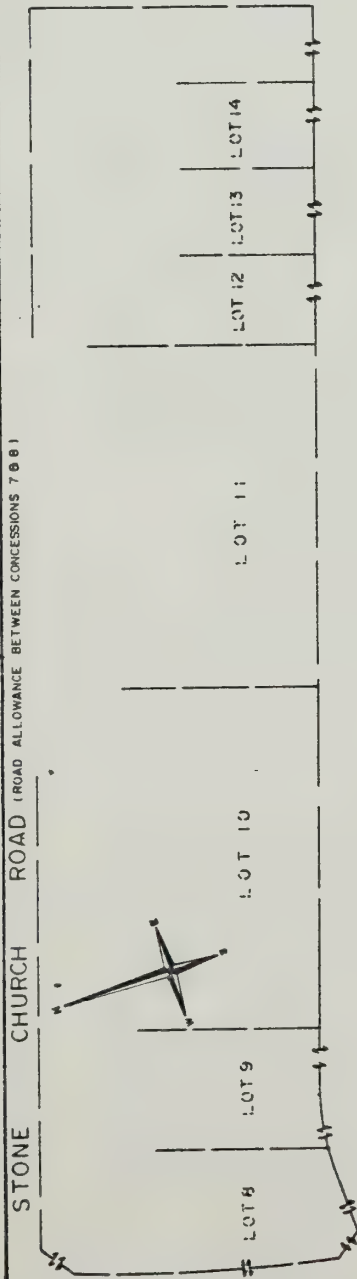
MARCH 7, 1988

Reference File No.

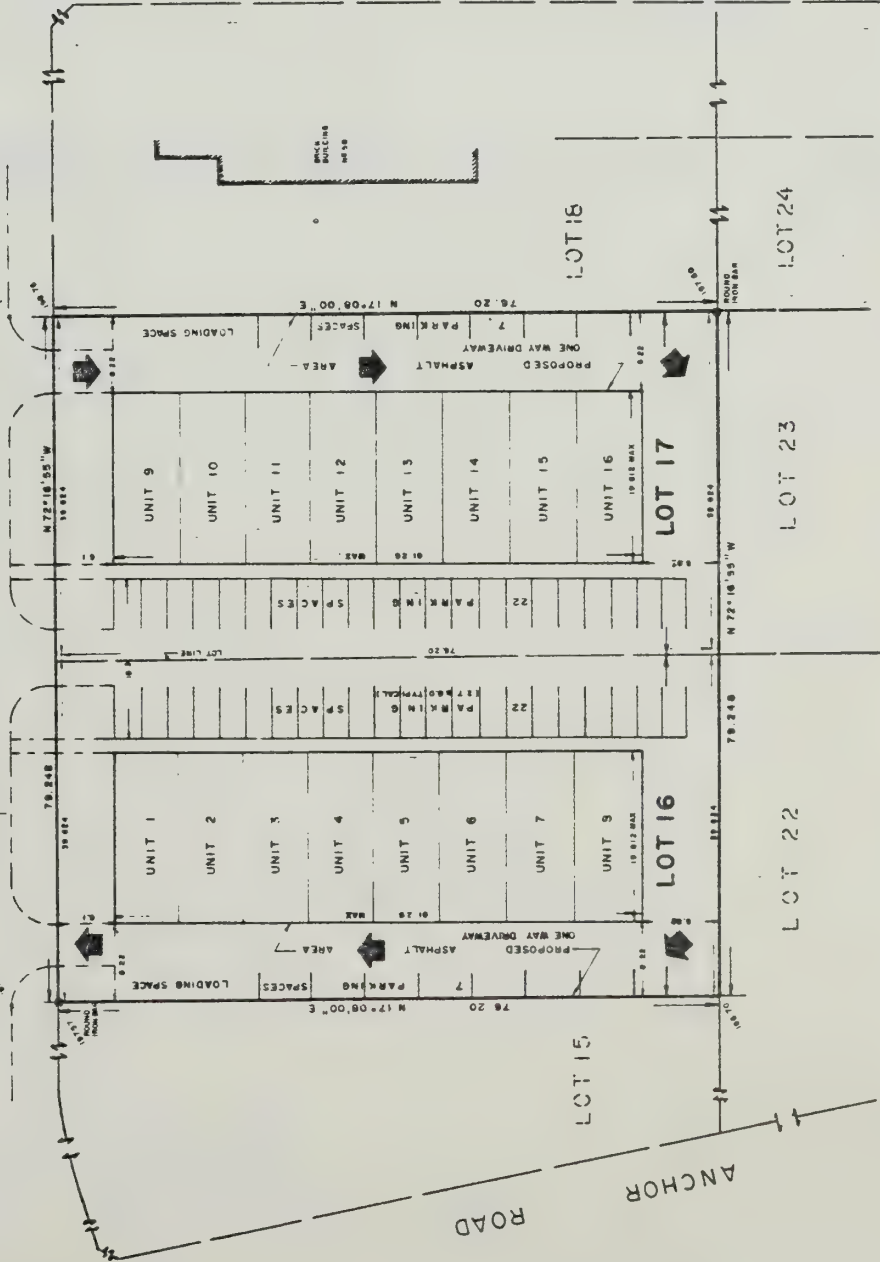
25CDM-88003

Drawing No.

STONE CHURCH ROAD (ROAD ALLOWANCE BETWEEN CONCESSIONS 7 & 8)



BIGWIN ROAD



NOTE:
EXISTING GROUND ELEVATION: 000.00

HARLOWE ROAD

ANCHOR ROAD

ANCHOR ROAD

LOT 15

LOT 16

LOT 17

LOT 18

LOT 22

LOT 23

LOT 24

PRITCHARD ROAD (GIVEN ROAD HEIGHT: 125.00' PLAN N 295)

KEY PLAN
SCALE 1:5000



DRAFT PLAN OF:

STONECLIFF PLACE

BEING A PROPOSED CONDOMINIUM PROJECT OF
LOTS 16 AND 17
REGISTERED PLAN M-246
IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

SCALE 1:400
DATE 17 FEB 1988
A. J. Clarke & Associates

NOTE: THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT.

METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

RE: CHAPTER 359 R.S.O. 1980 - SECTION 36(1) THE PLANNING ACT

- A. SHOWN ON PLAN
- B. SHOWN ON PLAN
- C. SHOWN ON PLAN
- D. SEE LAND USE SCHEDULE
- E. SHOWN ON PLAN
- F. SHOWN ON PLAN
- G. SHOWN ON PLAN
- H. MUNICIPAL PIPED WATER AVAILABLE
- I. CLAY LOAM
- J. SHOWN ON PLAN
- K. MUNICIPAL SERVICES EXISTING
- L. NONE

SURVEYOR'S CERTIFICATE

I CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED ARE SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

FEBRUARY 17, 1988

DATE

CLAYTON

ONTARIO LAND SURVEYOR

OWNER'S AUTHORIZATION

WE, ALMA DEVELOPMENT LIMITED, BEING THE REGISTERED OWNER OF THE SUBJACENT LANDS HEREBY AUTHORIZE A. J. CLARKE AND ASSOCIATES TO PREPARE AND SUBMIT THIS DRAFT PLAN TO THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH FOR THEIR APPROVAL.

FEBRUARY 17, 1988

DATE

STAN ARKADYEVICH

187 VAN ARKADYEVICH STREET

HAMILTON, ONTARIO L8N 1K1

LAND USE SCHEDULE

TOTAL AREA OF SITE: 1.803 ha
TOTAL NUMBER OF UNITS: 16
TOTAL NUMBER OF SPACES: 150
TOTAL NUMBER OF LOADING SPACES: 2
MAXIMUM BUILDING HEIGHT: 7.62 m (25 ft.)

NOTE: DISTANCES ARE SHOWN IN METRES AND FEET. THE DISTANCE FROM THE SOUTH LINE OF BIGWIN ROAD TO THE NORTH LINE OF PITCHARD ROAD IS 127.10 METRES.

A. J. Clarke & Associates

PROFESSIONAL ENGINEERS AND ONTARIO LAND SURVEYORS
HAMILTON, ONTARIO

13c.

FOR ACTION

REPORT TO: SUSAN K. REEDER, SECRETARY OF THE
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS
COMMISSIONER
PLANNING AND DEVELOPMENT

DATE: 1988 APRIL 14
COMM FILE:
DEPT FILE: SA-88-08
25CDM-88004
Durand
Neighbourhood

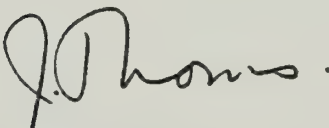
SUBJECT

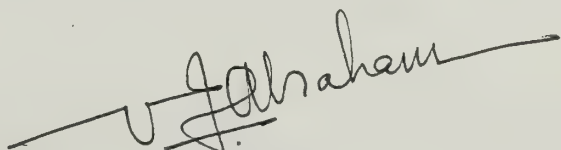
Application to the Region for the approval of a plan of Condominium, Regional File No. 25CDM-88004, City of Hamilton File No. SA-88-08 to construct 21 apartment units.

RECOMMENDATION

That approval be given to application SA-88-08, "The Polo Club", Galwan Canada Limited, owner, to establish a draft plan of condominium located at the south side of Duke Street, west of Park Street, north of Robinson Street and east of Bay Street, subject to the following conditions:

1. That this approval apply to the plan prepared by S. W. Woods Inc., dated February 19, 1988.
2. That the owner agree in writing to satisfy all financial requirements of the Regional Municipality of Hamilton Wentworth.


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development


V. J. Abraham, M.C.I.P.
Director
Local Planning Branch

BACKGROUND

Owner

Galwan Canada Limited, Hamilton, Ontario

Surveyor

S. W. Woods Inc., Hamilton, Ontario

Location

The lands, comprising 0.8643 ha, are located on the south side of Duke Street, west of Park Street, north of Robinson Street and east of Bay Street, in the Durand Neighbourhood, City of Hamilton.

Proposal

The owner proposes to construct 21 apartment units in a condominium project.

EXISTING DEVELOPMENT CONTROL

Hamilton-Wentworth Official Plan - the lands are identified as "Regional Centre" within the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential". The proposal complies.

Zoning - the lands are zoned "E-3" (High Density Multiple Dwellings) District which permits the proposed development. The proposal received Site Plan Control approval on September 24, 1987 for Application DA-87-60.

Neighbourhood Plan - the lands are designated "High Density Apartments". The proposal complies.

COMMENTS FROM CIRCULATION

The following agencies have advised that they have no comment or objection toward the development:

Ministry of Transportation,
Hamilton Board of Education,
Hamilton-Wentworth Roman Catholic Separate School Board,
Niagara Escarpment Commission,
Ontario Hydro, Union Gas and Bell Canada,
City Building Department,
City Traffic Department,
Hamilton-Wentworth Department of Engineering (subject to financial requirement).

FINANCIAL IMPLICATIONS

N/A

COMMENTS

1. The conformity of the proposal with the Official Plans and Zoning By-law is noted.
2. No commenting agency has objected to the plan of condominium.
3. The plan of condominium is not a conversion, therefore, is not subject to the Rental Housing Protection Act of the Provincial Government regarding rental conversion.

JLS/jd

CAUTION
THIS PLAN IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT.

METRIC
DIMENSIONS AND DISTANCES SHOWN ON THIS PLAN ARE IN METRIC UNITS. DIMENSIONS IN PARENTHESES ARE IN FEET AND INCHES.

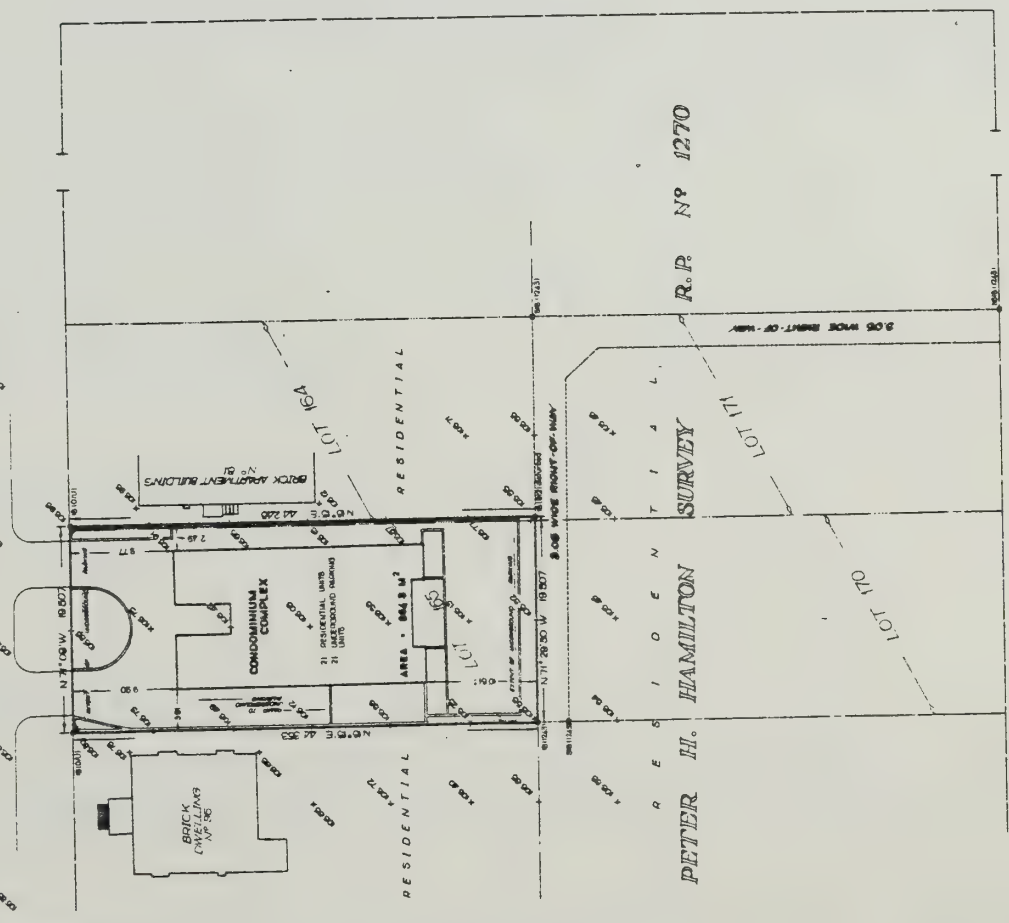
LEGEND

- CIRCULAR PLANNED MONUMENT
- DASHED LINE PLANNED MONUMENT
- DASHED LINE PLANNED MONUMENT
- DASHED LINE PLANNED MONUMENT
- DASHED LINE PLANNED MONUMENT

DUKE STREET

ROBINSON STREET

PETER H. HAMILTON SURVEY
R.P. NO 1270



"THE GOLD CLUB"
DRAFT PLAN OF CONDOMINIUM
ALL OF LOT 165 AND PART OF LOTS 164, 170 & 171
PETER HAMILTON SURVEY
REGISTERED PLAN NO 1270
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON, NORTHEAST
SCALE 1:200
Survey W. Woods Inc.
1997

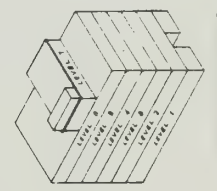
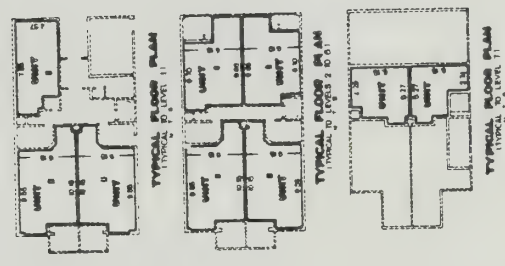
SURVEYOR'S CERTIFICATE
I, SURVEYOR, HEREBY CERTIFY THAT THE LINES LOCATED AND SHOWN ON THIS PLAN AND THEREON ARE ACCURATELY AND CORRECTLY LOCATED AND SHOWN IN ACCORDANCE WITH THE SURVEY ACT AND THE REGULATION THEREUNDER.

OWNER'S CERTIFICATE
I, SURVEYOR, HEREBY CERTIFY THAT THE LINES LOCATED AND SHOWN ON THIS PLAN AND THEREON ARE ACCURATELY AND CORRECTLY LOCATED AND SHOWN IN ACCORDANCE WITH THE SURVEY ACT AND THE REGULATION THEREUNDER.

NOTE
THIS PLAN IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT.

SCHEDULE RE: SECTION 50(2) OF THE PLANNING ACT

- a. BOUNDARY OF LOT
- b. BOUNDARY OF LOT
- c. BOUNDARY OF LOT
- d. BOUNDARY OF LOT
- e. BOUNDARY OF LOT
- f. BOUNDARY OF LOT
- g. BOUNDARY OF LOT
- h. BOUNDARY OF LOT
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- o. BOUNDARY OF LOT
- p. BOUNDARY OF LOT
- q. BOUNDARY OF LOT
- r. BOUNDARY OF LOT
- s. BOUNDARY OF LOT
- t. BOUNDARY OF LOT
- u. BOUNDARY OF LOT
- v. BOUNDARY OF LOT
- w. BOUNDARY OF LOT
- x. BOUNDARY OF LOT
- y. BOUNDARY OF LOT
- z. BOUNDARY OF LOT



FOR ACTION

14.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

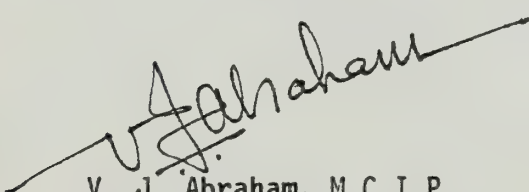
DATE: 1988 April 19
COMM FILE:
DEPT. FILE: P-7-2

SUBJECT:

Proposal to amend the Hamilton-Wentworth Official Plan to permit the development of a private high school in the Rural Policy Area in the Town of Ancaster.

RECOMMENDATION

That the City Clerk inform the Regional Municipality of Hamilton-Wentworth that the proposed amendment to the Hamilton-Wentworth Official Plan to permit a private high school in the Rural Policy Area of the Town of Ancaster (Proposed Amendment No. 33), does not conflict with the planning intentions of the City of Hamilton.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A.

EXPLANATORY NOTE

The proposed amendment to the Hamilton-Wentworth Official Plan would permit the development of a private high school at the south-west corner of Highway No. 53 and Glancaster Road in the Rural Policy Area of the Town of Ancaster.

BACKGROUND

The subject lands comprise an area of approximately 7.8 hectares (19.19 acres) and are located at the south-west corner of Highway No. 53 and Glancaster Road (see attached map). The lands are currently designated "Rural Policy Area" in the Hamilton-Wentworth Official Plan which would not permit an institution use of this size. The proposed amendment to the Hamilton-Wentworth Official Plan will exempt the proposal from the policies of the Plan restricting such uses in the rural area.

ANALYSIS

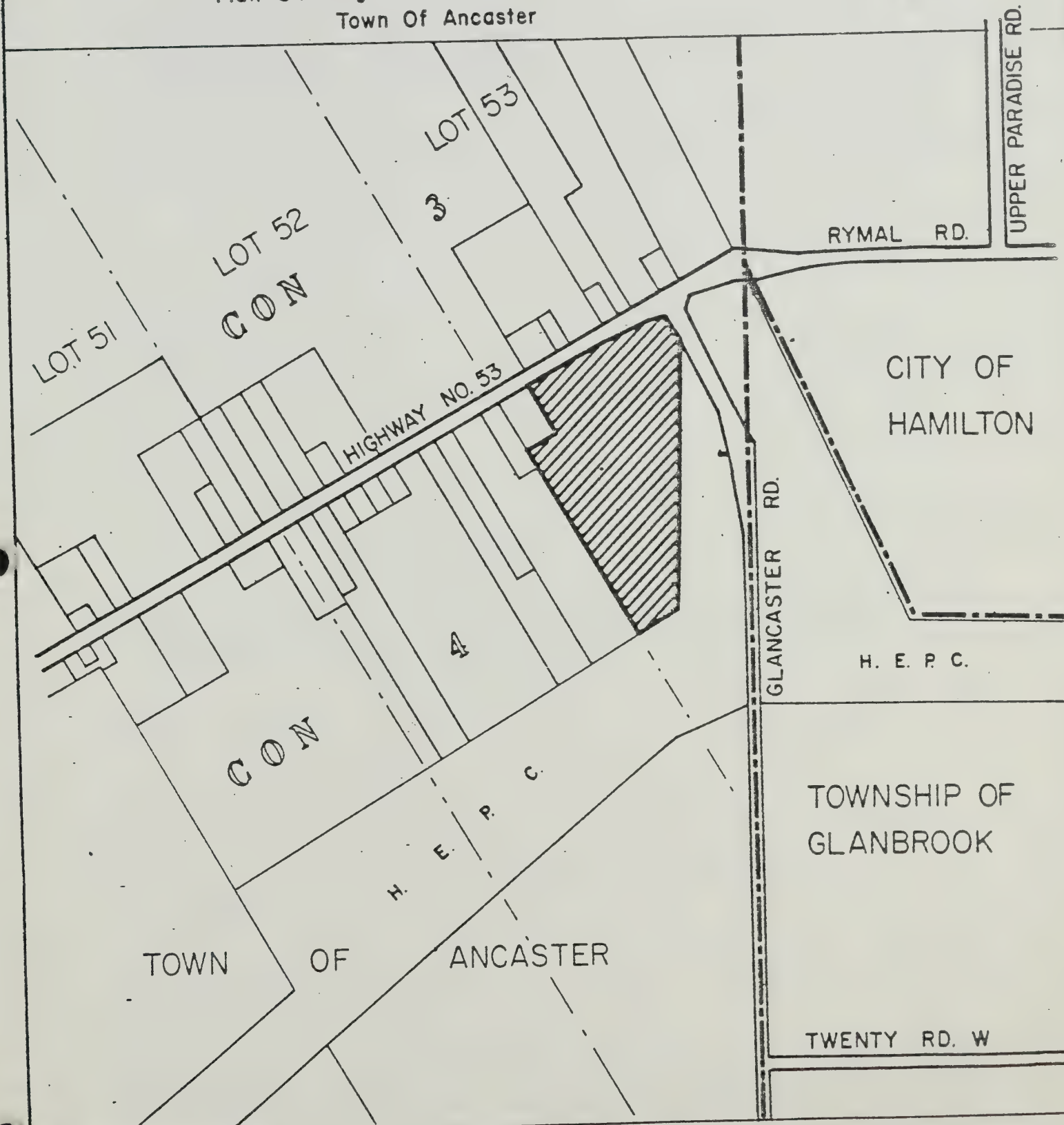
The proposed high school will be located approximately 400 feet away from lands designated for residential use on Rymal Road West in Hamilton. The lands between the proposal and Hamilton are used as an Ontario Hydro corridor. The proposal to permit the development of a private high school in the Town of Ancaster should not adversely affect the City of Hamilton. However, from a regional perspective, the proposal is not compatible with agricultural uses in the rural area, and may set a precedent for urban use in this portion of Ancaster.

CONCLUSION

The proposed amendment to the Hamilton-Wentworth Official Plan will not conflict with the planning intentions of the City of Hamilton.

DO:CS
0157P

APPENDIX MAP
TO AMENDMENT NO. 33
TO THE REGION OF HAMILTON-WENTWORTH OFFICIAL PLAN
HAMILTON-WENTWORTH PLANNING AREA
Plan Showing Part Of Lot 53 - Con. 4
Town Of Ancaster



LANDS AFFECTED BY AMENDMENT NO. 33 TO
THE HAMILTON-WENTWORTH OFFICIAL PLAN

15.

AGRO, ZAFFIRO, PARENTE, ORZEL, HUBAR & BAKER

BARRISTERS & SOLICITORS

NICHOLAS J. ZAFFIRO, Q.C.
 EDWARD J. ORZEL, Q.C.
 STANLEY P. JASKOT, B.A., LL.B.
 FRANCIS A. DeSANTIS, B.A., LL.B.
 IAN P. NEWCOMBE, B.A., LL.B.
 J. MICHAEL RILEY, B.COMM., LL.B.
 JANE A. MILANETTI, B.A., LL.B.
 DAVID A. ELLIOT, B.A., LL.B.

JOHN A. PARENTE, Q.C.
 MICHAEL L. BAKER, Q.C.
 DAVID R. DEMPSTER, B.Sc., LL.B.
 JOHN W. LOGAN, B.A., LL.B.
 MICHAEL DALE PARAYESKI, LL.B.
 CHARLES P. CRIMINISI, LL.B.
 VANDA A. SANTINI, B.A., B.C.L., LL.B.

TELEPHONE (416) 527-6877

TELECOPIER (416) 527-6843

THIRTY NINTH FLOOR
 100 MAIN STREET EAST

COUNSEL: JOHN L. AGRO, Q.C.

JOHN E. MILNE, Q.C. (RETIRED)

WILLIAM J. HUBAR, Q.C. (RETIRED)

MAIL:
 P. O. BOX 1069, STATION "A"
 HAMILTON, ONTARIO
 L8N 3G6

April 5, 1988

Terry Cooke
 City Hall
 71 Main Street West
 Hamilton, Ontario
 L8N 3T4

Dear Sir:

RE: Rent Controls

As a concerned home owner and a resident of the Regional Municipality of Hamilton-Wentworth, I am taking the liberty of providing you with certain materials on rent controls, contents of which you will find self-explanatory.

In summary, the simple facts that must be considered are the following:

1. The unfairness of rent controls.
2. The cost of implementing the rent control system.
3. The unfair shifting of the burden of rent control costs, subsidies and taxation from the shoulders of the tenant onto the shoulders of home owners.
4. The disruption of planned Municipalities providing for mixed-type housing accommodation at the lowest per unit cost to the Municipality.

I have attempted in the past to secure the support of Municipal politicians to involve themselves in the matter of rent controls, without success, but after you have read the enclosed reports and articles and this letter and reviewed the matter of rent controls based on information that is available to you, I am quite sure that you will conclude that it is time for Municipal politicians to come to some decision having regard to the best interest of the Municipalities.

There is one fact that cannot be ignored and that is that the Provincial politicians are afraid that to take the proper step by phasing out rent controls they will become disenchanted by the number of tenants and accordingly lose their voting support.

I like to think that all tax payers, whether they be home owners or tenants, are fair-minded people and wish to be considered as being fair-minded and each are prepared to carry the burden of taxation that is fairly and equitably allocated to each of them.

Your support and consideration of dealing with this critical Municipal problem is hereby requested and as a home owner, I thank you for your involvement.

Yours very truly,

A handwritten signature in dark ink, appearing to be 'John A. Parente', written in a cursive style with a long horizontal stroke extending to the right.

JOHN A. PARENTE

JAP:kr
encl.

FACTS ABOUT RENT CONTROL FIRST IN A SERIES

WEALTHY APARTMENT "HOARDERS" INCREASING, NEW SURVEY SHOWS

TORONTO - The number of wealthy tenants living in rent controlled apartments at the expense of the needy has more than doubled in some Ontario cities since 1986, a new survey shows.

The percentage of Metro Toronto tenants who pay less than 20% of their income on rent increased to 48% in 1988 from 23% in 1986, according to the survey, released this week.

"This means rent controls benefit the middle and upper-middle classes, not the needy", said John Bassel, Chairman of The Fair Rental Policy Organization of Ontario (FRPO), a non-profit group of owners, builders, managers and financiers of rental properties.

"It means high-income tenants live in rent-controlled units at the expense of the truly needy", Bassel said. "We call these tenants hoarders. And the situation is getting worse".

In Metro Toronto, the 48% means as many as 134,000 units are occupied by these well-to-do hoarders, he said.

The survey, conducted during the last week of January, 1988, shows that wealthy tenants benefit most from Ontario rent controls, with the vast majority of the well-to-do paying a disproportionately small percentage of their income in rent.

In contrast, up to 78% of lower-income tenants spend more than 30% of their income on rents, according to the survey of 900 apartment dwellers in Toronto, Hamilton, London and Ottawa.

Among tenants in Toronto earning between \$35,000 and \$50,000, 85% pay less than 20% of income in rent. In the over \$50,000 category, 75% spend less than 20% of income on rental payments.

In Hamilton, London and Ottawa, 93% of tenants making between \$35,000 and \$50,000, and 100% of respondents making \$50,000 or more, pay less than 20% of their income on rent.

Over-all, the survey shows that 48% of respondents in Toronto, and 34% of those in Hamilton, London and Ottawa, pay less than 20 per cent of income in rent. In a similar survey conducted 1½ years ago, the percentage of those paying less than 20% of income for rent in Toronto was 23%.

The survey was designed by Policy Concepts, a Toronto public affairs consulting firm, and conducted by Elliott Research for The Fair Rental Policy Organization of Ontario.

Such a survey is accurate within plus or minus 5.7 percentage points in Toronto and 7.1 percentage points in each of the other cities 19 times out of 20.

over

ANNUAL INCOME

	<u>Under</u> <u>\$20,000</u>	<u>\$20,001-</u> <u>35,000</u>	<u>\$35,001-</u> <u>50,000</u>	<u>Over</u> <u>\$50,000</u>
<u>METROPOLITAN</u> <u>TORONTO</u>				

Percent of Income in Monthly Rent

Less than 20%	2%	38%	85%	75%
21% - 30%	20	49	10	25
Over 30%	78	12	5	-

HAMILTON, LONDON, OTTAWA

Percent of Income in Monthly Rent

Less than 20%	2%	43%	93%	100%
21% - 30%	34	42	7	-
Over 30%	64	14	--	-

Percent of Income In Monthly Rent

PERCENTAGE OF TENANTS

	1986	1 9 8 8	SELECTED
	<u>TORONTO</u>	<u>TORONTO</u>	<u>CITIES</u>
Less than 20%	23%	48%	34%
21% - 30%	41	29	36
Over 30%	36	23	30

FOR ADDITIONAL INFORMATION:

John Bassel
Chairman, FRPO
(416) 247-5352

Michael Nairne
(416) 591-1166

MARCH 15, 1988

THE TORONTO STAR

Established 1892

By John Bassel

It's ironic that Ontario, the richest province in Canada, is in the midst of a housing crisis.

But wait a minute. Aren't new home starts at record levels? Aren't home resale values at a new peak? Isn't there an unprecedented boom in condominium development?

So where is the crisis? As one might expect, it is the disadvantaged who are suffering most today — single-parent families, low income earners and the destitute.

Why? The alternatives for these people simply aren't there. The existing supply of accommodation in Ontario is beyond their economic reach, already occupied, or non-existent.

Why again? The root cause of housing difficulties in Ontario is rent controls that effectively put housing policy into handcuffs. Rent controls are the heart of housing policy, and yet limit the province's ability to have an impact beyond tinkering on the periphery of the situation.

Rent controls caused the building of apartments to stop cold. It is not difficult to understand. If you were faced with a choice of putting your money into the bank to collect interest, or into an investment where government limits the amount of that interest, limits your ability to improve the investment and limits your ability to dispose of the investment, which alternative would you choose?

But builders are builders. They moved on from rental residential construction to condominiums, new home construction and any other building activity which would provide some kind of fair return on investment.

Farewell to growth, innovation, change and competition in the rental industry. Welcome to slow but steady decline. Vacancies dry up and the black market in apartments develops, known as key money. Owners, particularly small owners, see their life's equity deteriorating before their eyes, and have limited ability, given limited returns, to even maintain their one asset properly.

Non-renters pay too. Suppressed rents mean suppressed taxes from Ontario's million-plus rental units. The homeowner subsidizes the renter at municipal tax time, when the apartment corporation pays its federal and provincial taxes, when the provincial treasurer allots another \$30 million to administer the rent review legislation, and when he provides millions more for public housing for a larger and larger segment of the population which has fewer private market options.

Some tenants who might afford modest private market rental units simply can't find them or can't compete with the affluent two-income, no-children families. They are forced to turn to the government.

So a few years ago, in a typically Canadian response, the provincial government launched a commission of inquiry to investigate the situation.

The recent report of this commission, headed by Stuart Thom, was the first objective analysis of this ridiculous policy. Thom found "rent regulation in Ontario has been an unsatisfactory compromise.

"Rent review is not targeted to the needy. It has not helped those unable to

find a unit subject to rent review and it has not provided sufficient help to households with low incomes."

Politically speaking, the trouble with royal commissions is they often find out the real truth, something politicians sometimes just don't want to hear.

Thus we have the minister of housing, Chaviva Hosek, dismissing the findings of the \$3 million, five-year commission in a press release. In fairness to the Minister, she says the government's revisions to the rent review legislation, put in place last year, overtook the Thom Commission findings. What she has failed to realize is that those revisions were a simple first step toward reform of the system.

Significantly, her government has recognized that at least for some landlords a rate of return was necessary for them to stay in business. She says she will try to make the new legislation work although it may prove unworkable.

This leaves Ontario today with an archaic housing policy.

Is there an answer? Our solution is indeed simple. ~~Phase out rent controls but~~ continue to protect all tenants through a simple law which prohibits unconscionable rent increases. At the same time, introduce a program of targeted financial assistance to directly help those in need.

The cost of administration of the ~~current~~ rent review system is over \$30 million and rising. This fund alone would provide the beginnings of a decent targeted financial assistance program.

The rental residential industry of Ontario believes it is time the government took its head out of the sand and got on with the job of further reform of rental housing legislation.

□ John Bassel is chairman of The Fair Rental Policy Organization of Ontario.

March, 1988

[illegible]

FOR ACTION

16.

REPORT TO: SUSAN REEDER, ACTING SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 April 13
COMM FILE:
DEPT. FILE: ZA-88-03
RALEIGH
NEIGHBOURHOOD

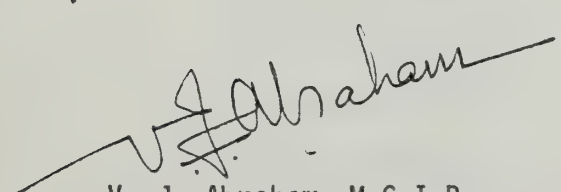
SUBJECT:

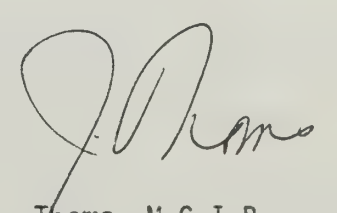
Request for a change in zoning for the property located at No. 802 Concession Street.

RECOMMENDATION

That Zoning Application 88-03, Todar Pruv, owner requesting a change in zoning from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "G" (Neighbourhood Shopping Center) District, to permit the redevelopment of the subject lands for a restaurant having a seating capacity of 36 persons, for the property located at No. 802 Concession Street, be denied for the following reasons:

- a) the block face between Thirty-Third and Thirty-Fourth Streets is both designated in the Official Plan and used for residential purposes (single family dwellings and a multiple dwelling) therefore, the restaurant represents an intrusion of a commercial use into an established residential area and it does not comply with the Official Plan.
- b) the restaurant would have a negative impact in terms of noise, parking and potential odours on the surrounding residential uses.
- c) it sets an undesirable precedent for future similar redevelopment applications.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

ECONOMIC FACTORS

The applicant has advised that the cost of the project is between \$101,000 and \$500,000. It will create 30 planning and construction jobs consisting mainly of manpower from the City of Hamilton.

The restaurant will generate 21 full and part time jobs.

APPLICANT

Todar Pruv, owner.

LOT SIZE AND AREA

- o 11.28 m (37 ft.) of lot frontage;
- o 30.48 m (100 ft.) of lot depth; and
- o 343.7 m² (3,700 sq. ft.) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject lands</u>	Single family dwelling	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District
<u>SURROUNDING LANDS</u>		
To the north	Multiple Dwellings	"E" (Multiple Dwellings lodges, Clubs, etc.) District
To the south	Single-family dwellings	"C" (Urban Protected Residential, etc.) District
To the east	Single-family dwellings	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District
To the west	Commercial	"H" (Community Shopping and Commercial, etc.) District

OFFICIAL PLAN

The subject lands are designated "Residential" on Schedule "A". Local commercial uses are permitted provided they serve the daily retail needs of the surrounding residents. Based on the above-noted policy, the proposal does not comply with the Official Plan. A site specific redesignation from "Residential" to "Commercial" is required to permit the proposal.

NEIGHBOURHOOD PLAN

There is no approved plan for the Raleigh Neighbourhood.

COMMENTS RECEIVED

- o The Building Department and Hamilton Region Conservation Authority have no objections.
- o The Traffic Department has advised that:

..."We will not support any variances that would increase the effect of this development on the adjacent residential area."
- o The Hamilton Wentworth Engineering Department has advised in part that:

"The designated road allowance width of Concession Street is 20.12 m (66 ft.) and of East 33rd Street is 18.29 m (60 ft.). In order to widen the pavements of each roadway to their ultimate width with proper turning radii, we require, as a condition of approval, that the owner/applicant dedicate a 2.0 x 2.0 m daylight triangle to the Region. (See attached letter for full comments).

COMMENTS

1. The proposal does not comply with the Official Plan. A site specific redesignation from "Residential" to "Commercial" is required to permit the proposed use.
2. There is no approved plan for the Raleigh Neighbourhood.
3. The proposal cannot be supported for the following reasons:
 - a) the block face between Thirty-Third and Thirty-Fourth Streets is both designated in the Official Plan and used for residential purposes (multiple and single family dwellings) therefore, the restaurant represents an intrusion of a commercial use into an established residential area;

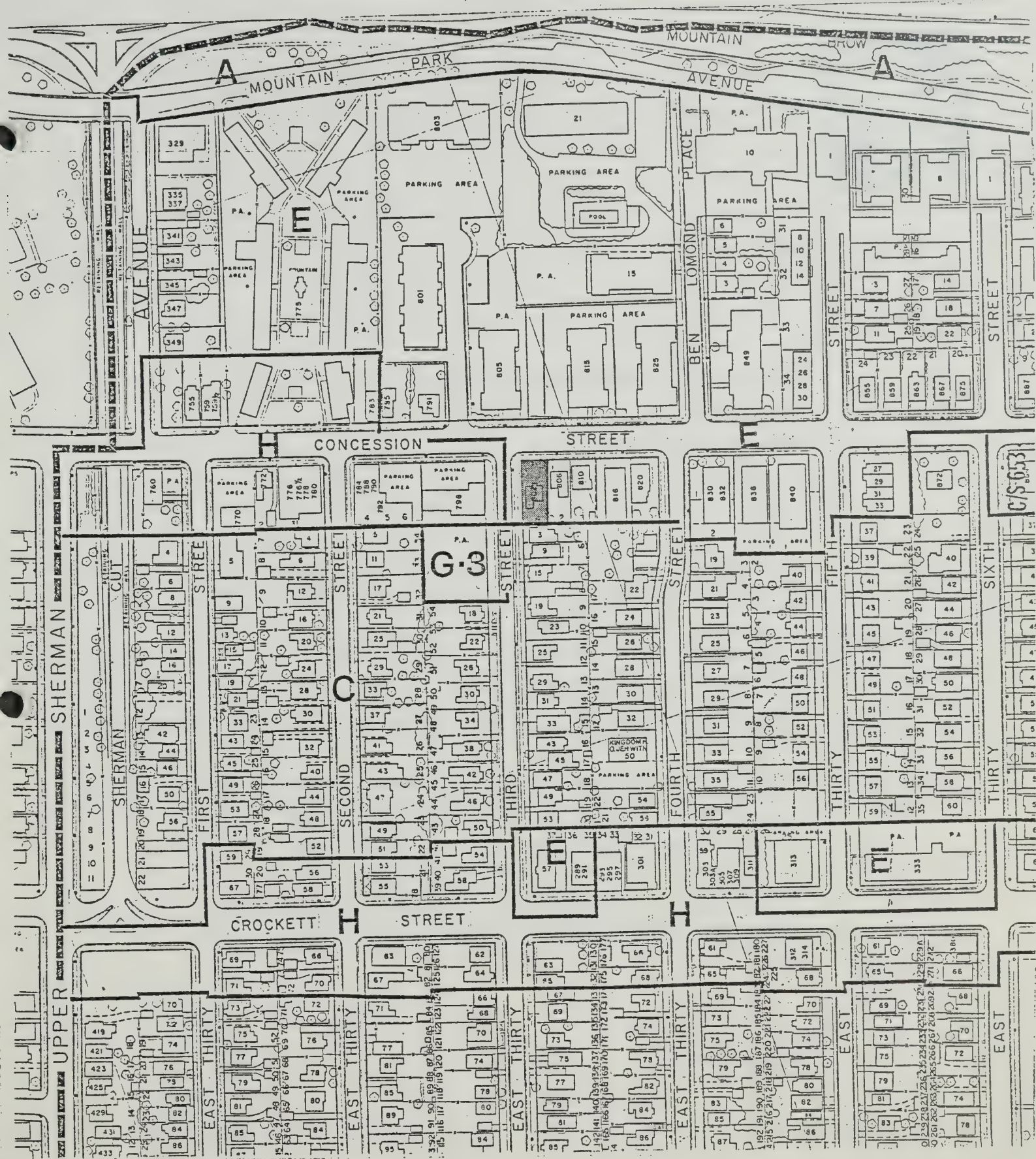
- b) the restaurant would have a negative impact in terms of noise, parking and potential odour on the surrounding residential area;
- c) it does not comply with the Official Plan;
- d) it sets an undesirable precedent for future similar redevelopment applications.

CONCLUSION

Based on the foregoing, the proposal cannot be supported.

J.H.:nd

W.P. DOC. 0144P





THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Department of Engineering
71 Main Street West, Hamilton, Ont. L8N 3T4

(416) 526-4170

PLANNING & DEVELOPMENT LOCAL PLANNING BRANCH			
File No.		Received FEB 19 1988	
TO	STAFF INIT	INFO	ACT
DIR.			
PR & A			
NEIGH			
DEV.	72		
E & U.C.			
S T A T E	54 94		
CART.			
ADMIN			

Refer to File No E220-1800
Attention of T.L. Hearn
Your File No. ZA-88-03

I.D. #0068D (48)

February 18, 1988

TO: V.J. Abraham, Planning Department

FROM: K.A. Brenner, Planning Manager
Engineering Department

RE: Zoning Application 88-03 to Change of Zoning from "E" to "G"
Regulations for property located at 802 Concession Street

Please be advised that public watermainas as well as storm and sanitary sewers are available to service the subject lands.

The designated road allowance width of Concession Street is 20.12 m (66 ft.) and of East 33rd Street is 18.29m (60 ft.). In order to widen the pavements of each roadway to their ultimate width with proper turning radii, we require, as a condition of approval, that the owner/applicant dedicate a 2.0 X 2.0m daylight triangle to the Region.

Any work within the adjacent road allowances and the daylight triangle must conform to the respective Streets By-Laws.

A complete and detailed grading plan is required for our review and comments.

Comments from the City of Hamilton Traffic Department should be obtained and reviewed with respect to access considerations.

TLH:tlj

cc: M. Main, Director
Traffic Department

April 12/88 16(a.)

23 EAST 34 ST

HAMILTON

L8V3W2

Secretary

Planning and development committee

Dear Sir,

Concerning the proposed zoning change at 802 Concession St. I wish to state I am opposed to this.

There is already a ^(licensed) restaurant close to this proposed change, also a second floor lodging half a block away and because of these and other business establishments the area is fast going downhill.

any additional business will further bring down the value of the houses in the area.

I would like to be informed as to the time and place of the meeting

Sincerely

M. Dunlop

803 Concession St. #30.
Hamilton, Ont
L8V 1C6. Apr. 11/1.

Planning & Development Dept.
City of Hamilton.

16b

Dear Sirs:

Please register my opposition to the proposed re-zoning of 802 Concession St. from "E" to "G".

One objection is that there is no parking anywhere in the area except on residential street which already have their own problems.

Another objection is that there is already a restaurant in the small business plaza across the street, as well as a food take-out business. The restaurant in this small plaza (which incidentally hosts a taxi business, adding to the parking problem) also hosts a motorcycle crowd, again adding to the already crowded situation. These concerns are contributing substantially to the tone of the neighborhood.

We trust that you will sincerely consider this charge, keeping in mind the residential area most concerned, and will see fit to turn down the request. We are positive that there are more suitable areas in locations that are already geared to business.

Thank you for your consideration.

Yours very truly,
Therjane Scott

(Mrs. M. Scott)

APR 18 1988

FILE-ZAB8-03

RE: PROPOSED CHANGE IN ZONING FROM E TO G,
802 CONCESSION STREET, HAMILTON

16c.

The property at 802 Concession is not appropriate for a restaurant for the following reasons:-

- (a) There is little or no parking space available. Customers would park in the small plaza west of East 33rd Street, thereby taking up their parking spaces, or on Concession Street, which would be immediately opposite a bus stop thus causing congestion, or on East 33rd Street, which has one-side parking only.
- (b) The adjacent cottage at 806 Concession is the permanent home of a retired couple and is situated only a few feet away from the proposed new development. A restaurant at 802 Concession would, without doubt, constitute a nuisance to the residents of 806 Concession.
- (c) 802 Concession is a lovely old cottage with front lawn and mature trees which should be retained.
- (d) The land use east of East 33rd Street should remain residential, comprised as it is of private dwellings and apartments.

Respectfully submitted,

April 13, 1988.

B. T. French

APR 10 1988

801 Concession St. # 704,
Hamilton, Ontario.

L8V 125

Apr. 14, 1988.

16d.

Dear Sir:

I am raising a strong objection to the proposed zoning change regarding 802 Concession St.

There is, at the present time, a diner, pizza restaurant and Pagoda take-out within a few steps of this proposed restaurant & there would be far too much congestion at this corner which is also a bus stop. There are many seniors in this area who should not have to suffer the added danger & noise from such an establishment.

The noise from the present businesses is unbearable in the late evening. This type of rest-

current is used primarily by young people who drive up with stereos blaring & at times leave them on while they run in for their to be catered.

If this new restaurant should open, I am sure that the existing plaza would receive its overflow parking as I cannot see how it can meet the parking by-law being such a small lot. Again, more congestion, noise, danger & late evening loud voices from the young crowd that frequents these smaller businesses.

We are already on record for having to complain to the noise abatement committee regarding problems in this area & would not hesitate to do so again.

Yours truly
Eileen Lusk

805 Concession St. apt 21

Hamilton

LSU 1C4

13.4.88.

16e.

APR 19 1988

Dear Sir / madam,

In reply to the information we received - re - Restaurant on Concession St. I do not agree with this planning. In that the person applying - I do not think has thought of complications which would arise.

1 - It is a Busy Road - and already - with the plaza near it is difficult to get across the road - there are many seniors like myself - who find this disturbing.

2 - It would cause noise & disturbances & there is already many cars parked in the roadway - this would add to the congestion.

3 - We do not have sufficient security for the apartments which would mean - Strangers could come freely in & out without being checked - adding to the nervousness & anxiety of the tenants. also the nursing home near by would be anxious for the patients.

4 Please think again before granting this re-zoning & Building - We do not want to make residence - they are hard to find - & I feel this is not a good corner for such a business.

this matter.

Thanking you for your attention in

Yours sincerely

M. L. Hurns.

162.

806 Concession St.,
Hamilton, Ontario.
L8V 1E1

12 April 88

Secretary,
Planning and Development Committee,
City Hall,
71 Main St. W.,
Hamilton, Ontario.
L8N 3T4

Re: File # ZA-88-03 (Application to change zoning for property
at 802 Concession St. from E to G).

As residents and owners of property at 806 Concession St. we vehemently oppose the change in zoning for the property at 802 Concession St.. We have been residents of this property for the past forty-three (43) years and take great pride in properly maintaining same. The very thought of having a restaurant adjacent to our home caused us great despair.

The Thornewell Plaza is situated on Concession St. between East 32nd and East 33rd St.. All of the amenities necessary for this neighbourhood are available at this Plaza.

The applicant for this change presently operates a fully licensed restaurant on this plaza and occupies three stores for same.

There is no doubt in our minds that this application is another effort on his part to encourage us to succumb to his many efforts to purchase our property.

Immediately following his purchase of the property at 802 Concession St. in 1986, he started making overtures to purchase our property. He has been advised several times we had no intentions to sell.

During February 1987, he came to our home and advised us that at the end of March 1987 he intended to raze the building at 802 and erect a structure to accommodate a variety store.

When I questioned him re regarding the zoning he stated that no change was necessary re the zoning and the building permit had been approved at City Hall.

The following day I attended both the Building and Zoning Departments at City Hall and was advised that no application or submission had been received by either department.

During May 1987, the applicant and his brother (a partner in the restaurant) came to our home and once again offered to purchase our property. At no time was a price ever discussed because we had always made it clear that we were not interested in selling to them or anyone else.

I advised the applicant that he had lied to us during his February visit which I did not appreciate and once again told them we had no intentions to sell to them or anyone else. We have not been approached by them since.

Despite the immediate threat of commercial business moving further east on Concession St. and devaluating the investment by the home-owners on East 33rd and East 34th Sts., the additional threat of increased parking problems in this area are of great concern to all residents.

Most certainly due to the lack of parking facilities at the Henderson General Hospital, the employees of the hospital occupy most all of the available parking spaces on Concession St., East 33rd and East 34th Sts. on a daily basis.

It is annoying when you constantly have difficulty getting in and out of your drive-way and visitors to your home have to find parking space blocks away.

Trusting that our concerns and those of our neighbours will receive fair and hopefully favourable consideration.

Respectfully submitted,

Chas. Boecker
Charles Boecker

Mary Boecker
Mary Boecker

17.

FOR ACTION

REPORT TO: SUSAN K. REEDER SECRETARY OF THE
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS
COMMISSIONER
PLANNING AND DEVELOPMENT

DATE:
COMM FILE:
DEPT FILE:

1988 APRIL 13

SA-88-01
ZA-88-05
25T-88001

SUBJECTS

1. Proposed Draft Plan of Subdivision "Dussin Court".
2. Request for a change in zoning - 1556 Upper Gage Avenue.

RECOMMENDATION

1. Subdivision Application

a) That approval be given to Application SA-88-01, Dussin Quality Homes, owner, to establish a draft plan of subdivision on the west side of Upper Gage Avenue north of Sinena Avenue, subject to the following conditions:

1. That this approval apply to the plan prepared by MacKay, MacKay and Peters Limited, dated October 20, 1987, showing 12 lots, one Block (Block "13") as a widening and one Block (Block "14") for development with adjacent lands, revised to add street curves at the cul-de-sac bulb.
2. That the street and the street widening (Block "13") be dedicated as public highways on the final plan.
3. That the street be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
4. That the final plan conform with the Zoning By-law approved under the Planning Act.
5. That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.

6. That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 7. That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
 8. That Block "14" be developed only in conjunction with abutting lands.
 9. That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
 10. That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- b) That a Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-88-01), Dussin Quality Homes, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

2. Zoning Application

That approval be given to Zoning Application ZA-88-05, Antonio Dussin, owner, for a change in zoning from "L-mr-1" (Planned Development - Multiple Residential) District to "C" (Urban Protected Residential, etc.) District for property located at No. 1556 Upper Gage Avenue, as shown on the attached map marked as APPENDIX "A" on the following basis:

- i) That the subject lands be rezoned from "L-mr-1" (Planned Development - Multiple Residential) District to "C" (Urban Protected Residential, etc.) District;
- ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38D;
- iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
- iv) That the Eleanor Neighbourhood Plan be amended by redesignating the subject lands from "Attached Housing" to a "Single and Double" Residential land use designation and by the addition of the proposed cul-de-sac to the street pattern.

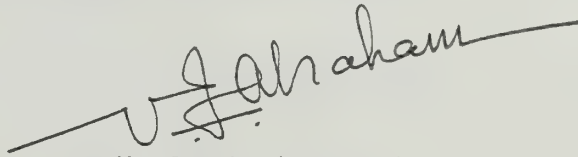
EXPLANATORY NOTE

The purpose of the By-law is to provide for a change in zoning from "L-mr-1" (Planned Development - Multiple Residential) District to "C" (Urban Protected Residential, etc.) District, for lands located at No. 1556 Upper Gage Avenue, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit development of the subject lands for the purposes of establishing single-family dwellings.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development



V. J. Abraham, M.C.I.P.
Director
Local Planning Branch

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

Owner Dussin Quality Homes, Hamilton, Ontario

Surveyor J. D. Peters, O.L.S., Hamilton, Ontario

Location The lands, comprising 0.754 ha, are located on the west side of Upper Gage Avenue north of Sinena Avenue in the Eleanor Neighbourhood, City of Hamilton.

Land Use and Zoning

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
to the north	single-family dwellings on large lots	"Lmr-1" (Planned Development - Multiple Residential) District
to the south	single-family dwelling on a large lot	"Lmr-1" (Planned Development - Multiple Residential) District
to the east	across Upper Gage Avenue, new single-family dwellings	"C" (Urban Protected Residential, etc.) District
to the west	new single-family dwellings	"D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District

The Hamilton-Wentworth Department of Engineering has submitted the following comments and recommendations:

"For Information:

1. The proposed subdivision can be serviced to existing sanitary sewers, storm sewers and watermains on Upper Gage Avenue.
2. The Region will not cost share for services in this subdivision.
3. Development of these lands in the proposed manner does not comply with the approved neighbourhood plan, and as a result, will leave two (2) undeveloped remnant parcels, 30 metres in width, adjacent to the north and south limits of this draft plan. Development of these two (2) parcels may be severely restricted due to their size and shape.
4. The applicant should be advised that access to Lots 1 and 12 will be restricted to Dussin Court only. This will in no way exempt the land owner from paying his share of the existing municipal services on Upper Gage Avenue, abutting these lands.

Recommendations

5. The designated road allowance width of Upper Gage Avenue is 36.58 metres (120 feet). Therefore, the property line is to be established at 18.29 metres (60 feet) from the centreline of the original Upper Gage road allowance. We recommend that the applicant incorporate into the Final Plan of subdivision those lands required for road widening purposes, as shown in red on the attached plan, and dedicate those lands to the Region for road widening purposes by certificate on the Final Plan.
6. The cul-de-sac radius is to be established at 15 metres and 9 metre radii are to be established, on the property lines of Lots 3 and 10, at the points of intersection of the cul-de-sac bulb and the street. (see attached plan)
7. The Developer is to enter into Subdivision Agreements with both the City of Hamilton and the Region of Hamilton-Wentworth prior to the development of any portion of the subject lands.

The submitted plan, as prepared by J. David Peters, O.L.S. and dated October 20, 1987, is satisfactory to this Department, subject to the above-noted comments and recommendations."

2. Zoning Application

The following have advised that they have no comment or objection:

City of Hamilton Building Department,
Hamilton Region Conservation Authority.

The City of Hamilton Traffic Department has submitted the following comments:

"The approved Eleanor Neighbourhood Plan shows the block facing Upper Gage Avenue, from the mid-block collector to Sinena Avenue, as commercial and attached housing land uses. We fully support the development of these lands as indicated in this plan.

If this application is approved, with its corresponding subdivision application, it will isolate both 1940 and 1974 Upper Gage Avenue. While these properties are large enough to be developed, their shape will make design awkward. In our opinion this does not reflect good planning for this area. A more appropriate proposal would provide for inclusion of these two properties in a comprehensive development rather than the patchwork planning this application suggests.

A second issue which should be considered in the review of this application deals with the residential environment. We would draw your attention to the clauses C.7.8, C.7.9, D.2.5 v and vii of the City Official Plan which discuss the protection of residential environments from the impacts of noise and heavy traffic. We would like to point out that Upper Gage Avenue is both an arterial roadway and truck route. Under the current proposal single family homes would be developed with their flankage directly abutting this roadway. There would appear to be little or no opportunity for noise protection. Under the neighbourhood plan this area would be developed as townhouses which provides more design options in dealing with these issues.

In summary, while we will not object to the proposed rezoning, we do not feel it represents the most appropriate development for the property."

The Hamilton-Wentworth Department of Engineering has submitted the following comments:

"Please be advised that public watermain as well as separate storm and sanitary sewers are available to service the subject lands.

The designated road allowance width of Upper Gage Avenue is 36.58m (120 ft.). As a condition of development approval, we recommend that sufficient lands be dedicated to the Region to establish this road allowance designation.

It is recommended that the subject lands be developed by a satisfactory plan of subdivision.

Development of these lands in the proposed manner does not comply with the approved neighbourhood plan, and as a result, will leave two (2) undeveloped remnant parcels, 30m in width, adjacent to the north and south limits of this draft plan. Development of these two (2) parcels may be severely restricted due to their size and shape.

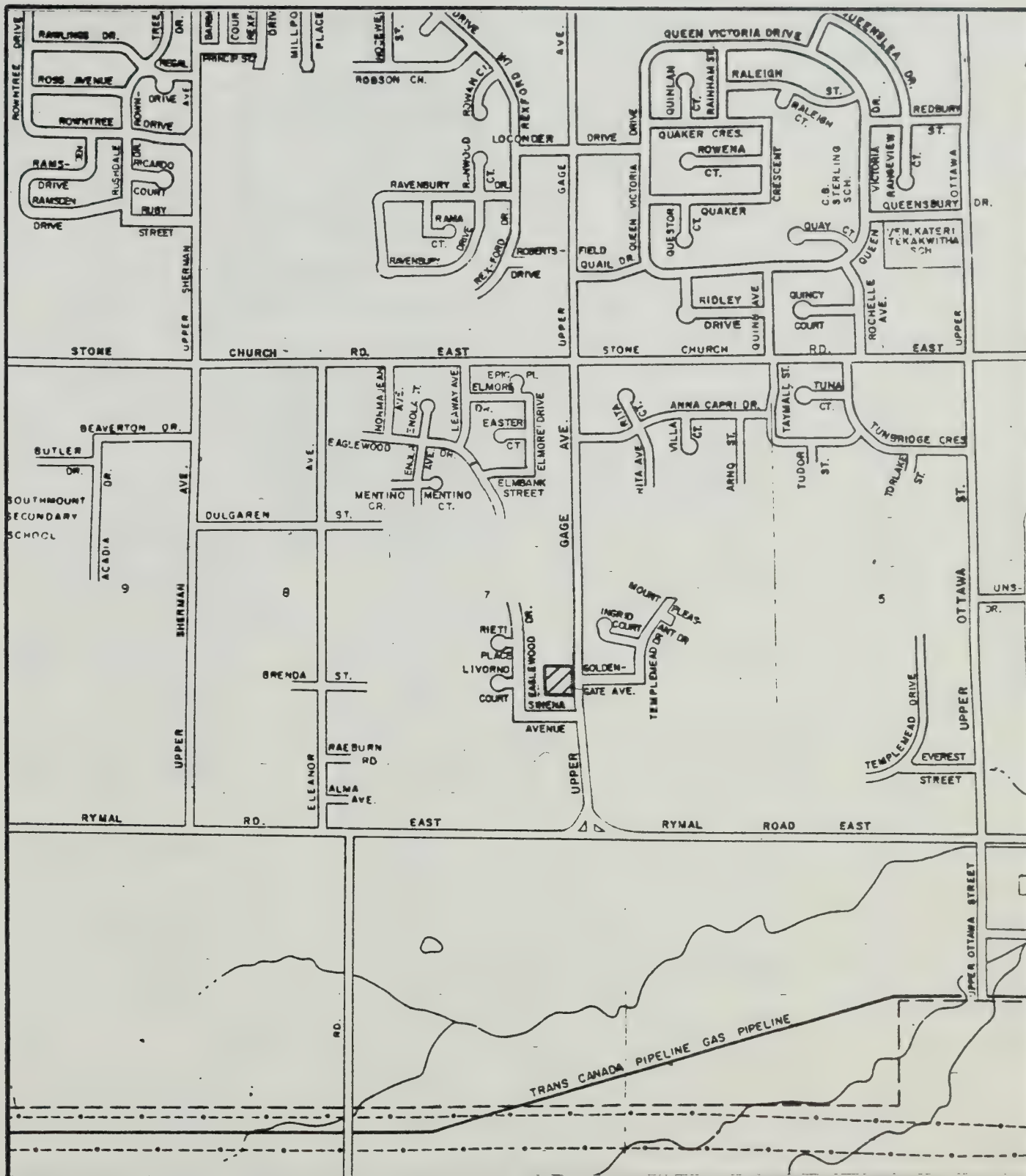
Any work within the adjacent road allowance(s) as widened, must conform to the respective Streets By-Laws.

In conjunction with the application we have also reviewed and submitted comments for Dussin Court, a draft plan of subdivision. All single family access is to be from the internal street only. Direct access from Upper Gage Avenue is undesirable from our view point."

COMMENTS

1. This report deals with and includes recommendations in regard to a proposed draft plan of subdivision and a proposed amendment to the Zoning By-law to implement the plan.
2. The conformity of the proposal with the Official Plans and the need for amendments to the Neighbourhood Plan and Zoning By-law is noted.
3. As no part of the subject lands is designated for park and recreational use on the approved Neighbourhood Plan, it is recommended that the parkland requirement for this subdivision be taken as cash-in-lieu of land.
4. The proposed changes to the Neighbourhood Plan land use designation and road pattern can be supported. However, it should be noted that two abutting parcels, one to the north and one to the south, will remain designated "attached housing" with very limited potential for future development other than the severance of excessively deep lots (approximately 83m) for a single family dwelling from each property.
5. Minor "red-line" revisions to the plan are required to implement the recommendations of the Department of Engineering, otherwise and subject to the notation in 4 above, the draft plan and required rezoning can be supported.

CMD/jd



Location Plan For

DUSSIN COURT

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



PROPOSED SUBDIVISION

North

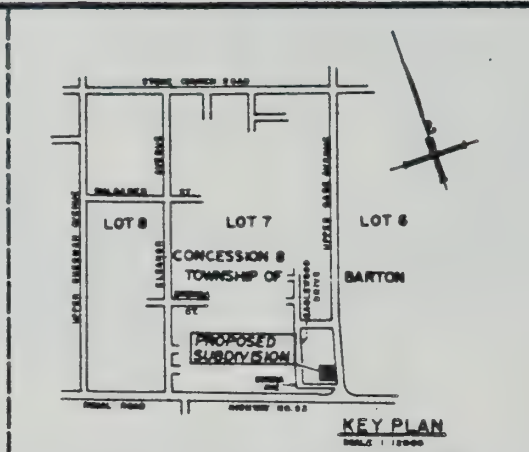


Scale
N. T. S.

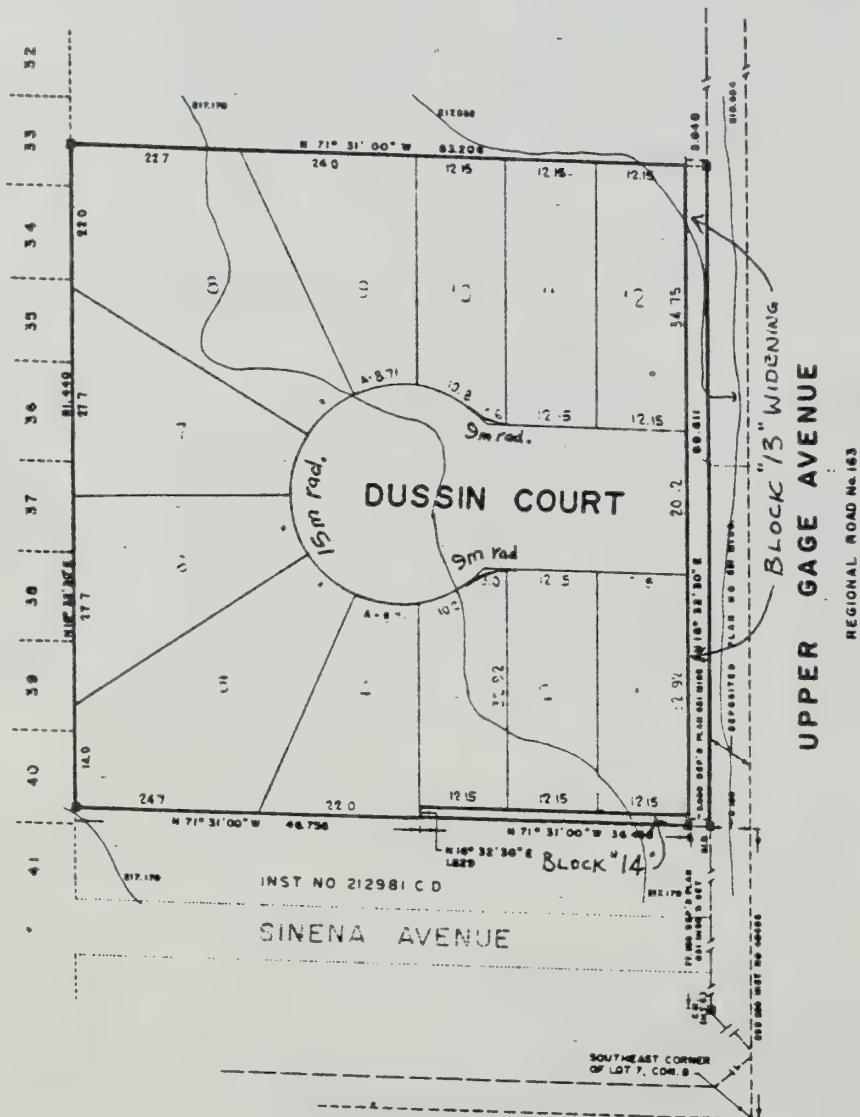
Date
JAN. 18, 1968

Reference File No.
25T-88001

Drawing No.



PLAN 62M--472



INDUSTRY, ENERGY & FINANCE

SAVE THE WORLD ONE POUND
30 FULL-FLAVOR QUALITY TONS
IMMEDIATELY. ORDERING NOW AND

SCALE 1:500

**METRIC**

DISTANCES SHOWN ON THIS PLAN ARE IN METERS
AND CAN BE CONVERTED TO FEET BY DIVIDING
BY 0.3048.

REQUIREMENTS OF THE PLANNING ACT, 1983.
CHAPTER I, SUBSECTION 30-(2).

- A. SEE PLAN.
B. SEE PLAN.
C. SEE PLAN.
D. SINGLE FAMILY RESIDENTIAL.
E. RESIDENTIAL & RECREATIONAL.
F. SEE PLAN.
G. SEE PLAN.
H. WATER AVAILABLE.
I. CLAY LOAM.
J. SEE PLAN.
K. ALL SERVICES AVAILABLE.
L. SEE PLAN.

OWNER'S CERTIFICATE

I HEREBY AUTHORIZE MACKAY, MACKAY & PETERS LIMITED,
TO SUBMIT THIS PROPOSED PLAN OF SUBDIVISION TO THE
COUNCIL OF THE REGIONAL MUNICIPALITY OF HAMILTON -
WENTWORTH FOR APPROVAL.

DATED AT HAMILTON, ONTARIO.

THIS 20th DAY OF OCTOBER, 1967

Tommy Durren
TOMMY DURREN

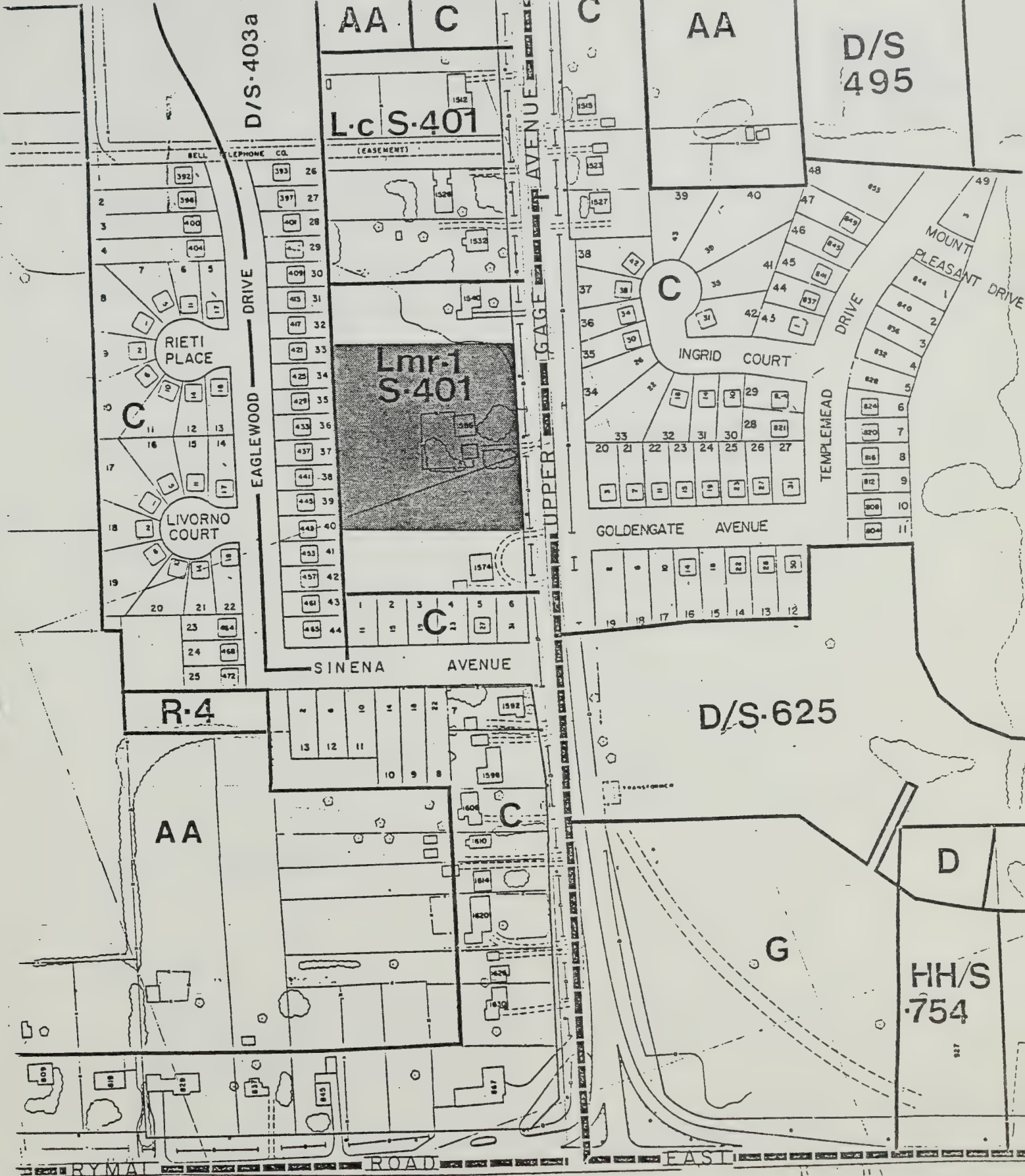
SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS
TO BE SUBSIDIZED AND THEIR RELATIONSHIP TO
ADJACENT LANDS ARE ACCURATELY AND CORRECTLY
SHOWN.

DATED AT HAMILTON, ONTARIO.

THIS 20th DAY OF OCTOBER, 1967.

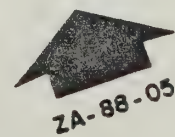
J. David Peters
J. DAVID PETERS
DETROIT LAND MARKERS



LEGEND



SITE OF THE APPLICATION



FOR ACTION

18.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

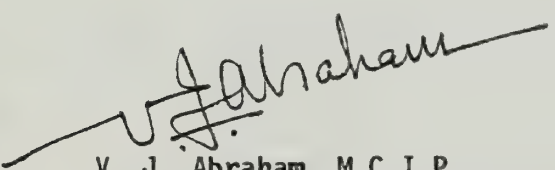
DATE: 1988 April 19
COMM FILE:
DEPT. FILE: P5-2-16

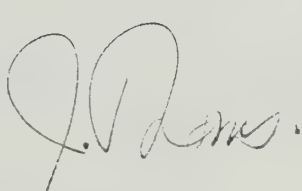
SUBJECT:

Neighbourhood Plan Review, vicinity of Fieldway Drive, Bruleville
Neighbourhood.

RECOMMENDATION

That the Bruleville Neighbourhood Plan be amended in accordance with the
attached map.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

- On April 7, 1987, Mr. Ng of 712 Main Street East in Hamilton applied for a zoning change for 864 Upper Wentworth Street from "AA" (Agricultural) District and "C" (Urban Protected Residential) District to "E-3" (High Density Multiple Dwelling) District.
- On May 13, 1987, Mr. L. Haverty amended the application on behalf of Mr. Ng from "E-3" (High Density Multiple Dwellings) to "E" (Multiple Dwellings, Lodges, Clubs, etc.) for a six-storey, 60-unit apartment building.

- On July 15, 1987, the Planning and Development Committee tabled the zoning application (ZA-87-41) and requested a neighbourhood land use review of the area.
- On February 10, 1988, a public meeting was held to discuss land use options. The minutes of the public meeting are attached as APPENDIX 1.

SUBJECT LANDS

The subject lands, shown on the attached map, are 5.30 acres + (2.15 hectares +) in total. Block "A" is 2.20 acres +, Block "B" is 0.85 acres +, and Block "C" is 2.30 acres +. The area is designated residential in the Official Plan and single and semi-detached housing in the neighbourhood plan. Trunk sewers are available for all land use alternatives.

SUBMISSIONS

(Appendices 2 - 19 available on request from Susan Reeder, Planning and Development Committee Secretary.)

APPENDIX

2. A petition was received from 43 residents of Clomore Avenue, Carousel Avenue, Fieldway Drive, Lynford Avenue and Mohawk Road. Letters were received from:
 3. Mr. & Mrs. W. Green 7 Blackthorne Avenue
 4. Mr. G. Meek 11 Blackthorne Avenue
 5. Mr. & Mrs. A. Arney 13 Blackthorne Avenue
 6. Mr. L. MacKelvie 15 Blackthorne Avenue
 7. Mr. R. Kirkland 31 Blackthorne Avenue
 8. Mr. R. Clark 6 Carrington Court
 - Mrs. F. Clark 6 Carrington Court
 9. Mr. W. Harris 8 Carrington Court
 - Mrs. M. Harris 8 Carrington Court
 10. Mr. R. Graf 10 Carrington Court
 - Mr. & Mrs. W. Graf 10 Carrington Court
 11. Mr. & Mrs. C. Pace 57 Fieldway Drive
 12. Mr. & Mrs. R. Long 81 Fieldway Drive
 13. Mr. & Mrs. A. Hawkins 102 Fieldway Drive
 14. Mr. B. Knight 22 Lynford Drive
 15. Mrs. D. Long 77 Fieldway Drive

The following is a summary of the issues raised by the residents:

- They are not opposed to the proposed commercial land use designation onto Upper Wentworth Street, providing that single-family houses and/or semi-detached houses are maintained on both sides of the proposed Fieldway Drive extension.
- They are opposed to apartment buildings and townhouses.

In addition, the following points were made by certain residents:

- Mr. Meek, 11 Blackthorne Avenue, would also like the commercial buildings height limited to three-storeys.
 - Mr. B. Knight, 22 Lynford Drive, would not be opposed to apartments for the frontage of Upper Wentworth Street from 864 to 890 Upper Wentworth Street, providing the apartment building height is limited to five storeys.
 - Mr. and Mrs. Green of 7 Blackthorne Avenue and Mr. and Mrs. Arney of 13 Blackthorn Avenue, Mr. and Mrs. C. Pace of 57 Fieldway Drive and Mr. B. Knight of 22 Lynford Drive oppose the connection of Fieldway Drive to Upper Wentworth Street.
 - The owners of 6, 8 and 10 Carrington Court (Mr. and Mrs. B. Clark, Mr. and Mrs. Harris and Mr. and Mrs. Good, respectively) would like Fieldway Drive to extend to Upper Wentworth Street.
 - Mrs. D. Long, 77 Fieldway Drive, would not be opposed to apartment development for 878 to 890 Upper Wentworth Street.
16. Mr. and Mrs. J. Pawlok, 73 Fieldway Drive, are opposed to any other land use but single houses and semi-detached houses, as shown on the approved Neighbourhood Plan.
17. Mr. A. Lombardi 832 Upper Wentworth Street
 Mr. L. Moning 836 Upper Wentworth Street
 Mr. A. Webb 840 Upper Wentworth Street
 Mr. L. Mommoliti 844 Upper Wentworth Street
 Mr. B. Bodnar 848 Upper Wentworth Street
 Mr. S. Meron 106 Fieldway Drive

They are not opposed to the commercial and apartment land use designation for properties located between Upper Wentworth Street and the proposed Fieldway Drive extension from 864 to 890 Upper Wentworth Street providing the designation is extended north to 832 Upper Wentworth Street.

18. Mr. J. Pelech, on behalf of Mr. Ng and Mr. Peddle for 864 and 872 Upper Wentworth Street

He supports:

- Commercial and High Density Residential (apartments) from 832 to 864 Upper Wentworth Street between Upper Wentworth Street and the proposed Fieldway Drive extension;
 - Commercial from 872 to 890 Upper Wentworth Street; and,
 - Single-family houses and/or semi-detached houses on the west side of Fieldway Drive extension.
 - He would like to see a pedestrian only link from Millwood Place to Upper Wentworth Street by terminating Fieldway Drive South from Upper Wentworth Street in a cul-de-sac.
19. Mr. G. Stout, on behalf of Barriview Developments Limited, 872, 878, 882 and 890 Upper Wentworth Street.

He supports a commercial land use designation for the properties.

Properties from which we received petition signatures and submissions are shown in APPENDIX 20.

ANALYSIS

Commercial

Over the past few years, Limeridge Mall and accompanying commercial developments have proved to be a magnet for the Mountain and beyond. This has led to demand for further commercial designations and development in the area. However, commercial development should not be concentrated in the Limeridge Mall area at the expense of the provision of commercial facilities across the Mountain. The Council adopted the Secondary Plan Commercial Design Standard Report which does not show the subject lands for commercial.

Residential

- Demand for commercial development has led to the redesignation of sites from higher density residential to commercial and consequently to the lack of suitable sites for higher density development. Higher density development around the principle business centre for the Mountain is desirable since:
 - a) more people would be able to use services more conveniently;
 - b) the business centre would have more people conveniently located to use their services.

From the planning point of view, higher density residential development is very desirable near to the Limeridge Mall as long as access is satisfactory and neighbourhood impacts are minimized.

Traffic

Upper Wentworth Street is a busy traffic artery currently carrying 8,500 vehicles per day. As growth in the south Mountain area continues, this volume is likely to increase. It is desirable to minimize traffic generation from the development and to provide safe ingress and egress. Commercial development generally generates more trips than apartments. Apartment development is therefore preferable to commercial to reduce impacts on Upper Wentworth Street.

Neighbourhood Protection

As a general principle, higher density housing should be on the edge of the neighbourhood and low density in the centre of the neighbourhood. Low density housing should, in accordance with general planning principles, be separated from high density by medium density housing. There is the opportunity to buffer proposed uses on Upper Wentworth Street from existing development on the interior of the neighbourhood with development on the extension of Fieldway Drive. (See Appendix 21.)

Access

Pedestrian access is very desirable at Fieldway Drive South to allow pedestrians to travel between the interior of the neighbourhood and the services on Upper Wentworth Street. As a general planning principle, neighbourhoods should be designed to avoid through traffic. Vehicular access, although desirable for those living in the area to reach Upper Wentworth Street, will also generate traffic travelling through the neighbourhood, especially along Millwood Place.

Public Opinion

There is general support from owners of lands fronting onto Upper Wentworth Street for commercial and some support for high density residential. The residents of the interior of the neighbourhood would generally like to see the extension of Fieldway Drive with low density housing on either side used as a buffer from commercial development on Upper Wentworth Street.

Planning Comments

Changing the uses on the lands fronting onto Upper Wentworth Street from low density residential to commercial and apartments will increase the value of the land considerably. There is, therefore, the opportunity to achieve some of the objectives of the City, particularly the provision of higher density housing. However, the visual impact and traffic impacts should be minimized.

On the other hand, there was an expectancy that only single/double family would be permitted on the subject lands. However, the situation has changed and plans need to respond to development pressures. It should also be pointed out that up until 1985, medium density apartments could have been expected on the site to the south of subject lands on Upper Wentworth Street.

CONCLUSION

Site "A" should be used for a combination of commercial (on the first floor) and up to five storeys of medium-density apartment development above. Only one square foot of commercial should be allowed for five square feet of residential. Access should only be from Upper Wentworth Street and Fieldway Avenue South. A landscaped buffer should be provided to the extension of Fieldway Drive, and a 50 foot setback from the Fieldway Drive extension. Vehicle access should not be allowed from Millwood Place to Fieldway Drive South, but pedestrian access should be provided.

Comment

A combined development would allow better traffic circulation, particularly access from the south. Access from the south would not be available for the south part of the site because of the road median. A mixed use development would provide an attractive building and help with parking provision, since peak use of commercial are different from residential. A six-storey maximum would be in keeping with other higher density buildings in the vicinity; e.g., Mall Road, yet not overpower the low-density housing. Allowing commercial only in conjunction and as a portion of the entire scheme will encourage apartments. Parking at the rear would further distance single-family development from apartments.

Site "B" should be used for a mixture of low-density commercial and residential in existing buildings, or infill buildings of this same character. Only up to about 1,000 sq. ft. of building should be used for commercial.

Comment

This would allow owners of six existing buildings near a heavily-travelled road the option of a commercial use along with living accommodation in a similar way to the houses across from Mountain Plaza on Upper James Street.

Site "C" should be used for single and double family.

Comment

This use would be a buffer between low-density housing in the interior of the neighbourhood. Purchasers would be aware of the proximity of commercial and apartment uses.

DG/GG:CS/DKP
0157P
Attach.

Wednesday, 1988 February 10
7:30 o'clock p.m.
Room 233, City Hall

A neighbourhood meeting for the purpose of reviewing the land use for 832 - 890 Upper Wentworth Street, Bruleville Neighbourhood, was held.

There were present: Alderman H. Merling, Chairman
Alderman J. Gallagher
Alderman D. Agostino
Mr. V. Abraham, Director of Local Planning
Mr. D. Godley, Planning Department
Mr. G. Groppler, Planning Department
Mr. K. Brenner, Regional Engineering Department
Mr. R. Karl, Traffic Department
Mrs. Susan K. Reeder, City Clerk's Department

Alderman Merling as Chairman welcomed people to the meeting and indicated that there are four alternate proposals being suggested for the land use for 832 - 890 Upper Wentworth Street.

Mr. D. Godley of the Planning Department presented the four concepts being proposed. He indicated that forms were passed around to those in attendance in order that people can write their comments on it and submit them to the Planning Department within 30 days.

Mr. Godley advised that a Zoning Application for an apartment building has been submitted to the City for consideration. Mr. Godley added that staff felt it was premature as it would give high density to a low density area.

Mr. Godley then went through each of the four proposals for the land use for the Upper Wentworth Street area.

The meeting was then opened to comments from the people in attendance.

Mr. Harris, 8 Carrington Court spoke to the Committee. He indicated that he is in favour of single family homes but opposed to apartment buildings, townhouses or commercial development.

Mr. Taylor, 5 Blackthorne Avenue asked who the owners of the affected properties are and questioned who is wanting the rezoning and who is pressuring for commercial use. Mr. Taylor complained about restaurants and congested traffic already in the area.

Mr. Brooks, 29 Fieldway Drive spoke to the Committee. He indicated that he wants to see singles on Fieldway Drive and would not be opposed to commercial on Upper Wentworth. He indicated that he is not in favour of any townhousing in the area and expressed concerns at the already crowded school condition. He also expressed concern that the traffic would go from Upper Wentworth into the residential areas.

Mrs. Caroline Arney, 3 Blackthorne Avenue spoke in favour of single family homes on Fieldway, possibly apartments at the Fieldway and Upper Wentworth corner.

Mr. Moning, 836 Upper Wentworth Street indicated that he is a 36 year resident of the area. He sees a need to develop. He indicated that the way the vacant lands stand now there are drainage problems, no sewers and health hazards. He added that he wants to see all the lands commercial.

One of the residents in attendance expressed concern at a deep well on the Harris property.

Mr. Marcolini, 882 Upper Wentworth Street questioned why the lands can't be entirely commercial. He indicated that he does not feel that single family homes belong adjacent to Fieldway and added that he wants commercial for his property.

Welcome.

Four proposed
land use plans.

Mr. Harris,
8 Carrington Court.

Mr. Taylor,
5 Blackthorne Avenue.

Mr. Brooks,
29 Fieldway Drive.

Mrs. Arney,
3 Blackthorne
Avenue.

Mr. Moning,
836 Upper Wentworth
Street.

Mr. Marcolini,
882 Upper Wentworth
Street.

Mr. Burnham,
26 Lynford Avenue.

Mr. Burnham, 26 Lynford Avenue questioned the planning principal of the land use concept alternatives. He further questioned how long it would be until development starts and asked what the purpose of the plan is.

Mr. Powell,
19 Blackthorne
Avenue.

Mr. Powell, 19 Blackthorne questioned where the people who presently own the lands being reviewed will live once they sell.

Mrs. Arney,
13 Blackthorne
Avenue.

Mrs. Arney, 13 Blackthorne addressed the Committee again and questioned where the people who now own the lands being affected will live once the land is sold. She added that homeowners in the area now do not have the luxury of being able to move if the surrounding areas are not to their satisfaction. She indicated that the noise level is high now and added that she could live with Option Number 3.

Mr. Lombardi,
832 Upper Wentworth
Street.

Mr. Lombardi, 832 Upper Wentworth Street spoke to the Committee and indicated that he is in favour of all townhousing and commercial. He also questioned the possibility of low density apartments and commercial.

Representative of
property owners -
864 Upper Wentworth
Street.

Mr. Jack Pelech, the representative for the owners of 864 Upper Wentworth Street (Mr. Ing and Mr. Peddle). He indicated that his clients have applied for rezoning to build condominiums but that staff indicated to them that this application was premature. He added that his clients would be agreeable to Option Number 3. Mr. Pelech further added that people would not want to live in single family homes on Upper Wentworth Street. Mr. Pelech added that his clients do not like Option Number 4 without a road for circulation of traffic.

Alderman Merling added that if apartments were allowed for Upper Wentworth that no access would be permitted onto Fieldway and that site plan control would look at road accesses.

Mr. MacKelvie,
15 Blackthorne
Avenue.

Mr. MacKelvie, 15 Blackthorne Avenue spoke and indicated that the new Super Carnival Store along Upper Wentworth will generate an enormous amount of traffic and added that he wants to see all single family homes and doubles in that area.

Mrs. Meek,
11 Blackthorne
Avenue.

Mrs. Meek, 11 Blackthorne Avenue spoke and indicated that it is unfair for people to be so negative about townhouse occupants and that not all townhouse people are bad. She said she prefers a townhouse to an apartment and would be more opposed to apartments. Mrs. Meek further added that she would like to see single family and double family homes in the area. Mrs. Meek further added that she could accept commercial on Upper Wentworth Street.

Numerous people at the meeting then stated that they want all single and double family homes in the area. Alderman Merling spoke to the meeting and spoke on the planning policy of mixed use.

Mr. Knight,
22 Lynford Avenue.

Mr. Knight, 22 Lynford Avenue questioned whether there is a height restriction for buildings on the Mountain. Mr. David Godley of the Planning Department addressed this question and indicated that no more than 6 floors would be allowed.

Representative of
possible land
purchaser.

Mr. Ian Stout, representative for an interested client questioned the possibility of having a double commercial area with a buffer zone in between and further added that commercial could be all the way to Fieldway with a 10 metre landscape strip along Fieldway.

Mrs. Lucas,
3 Blackthorne
Avenue.

Mrs. Lucas, 3 Blackthorne Avenue spoke to the Committee and expressed concern that allowing an access onto Upper Wentworth Street would increase the traffic flow which is already too excessive. Mrs. Lucas expressed concern at the number of people who take traffic shortcuts through the residential area in order to get to Limeridge Mall.

Mr. Roland Karl of the Traffic Department spoke to the group on the traffic in the area.

Mr. David Godley of the Planning Department then summed up the meeting and again stressed that people write their comments to the Planning Department within 30 days and that this matter will be placed before the Planning and Development some time in April. He further added that people are to feel free to call the Planning Department at any time with respect to this matter.

Summation

There being no further business, the meeting then adjourned.

Adjournment

Taken as read and approved,

ALDERMAN H. MERLING, CHAIRMAN
BRULEVILLE NEIGHBOURHOOD LAND USE
REVIEW MEETING

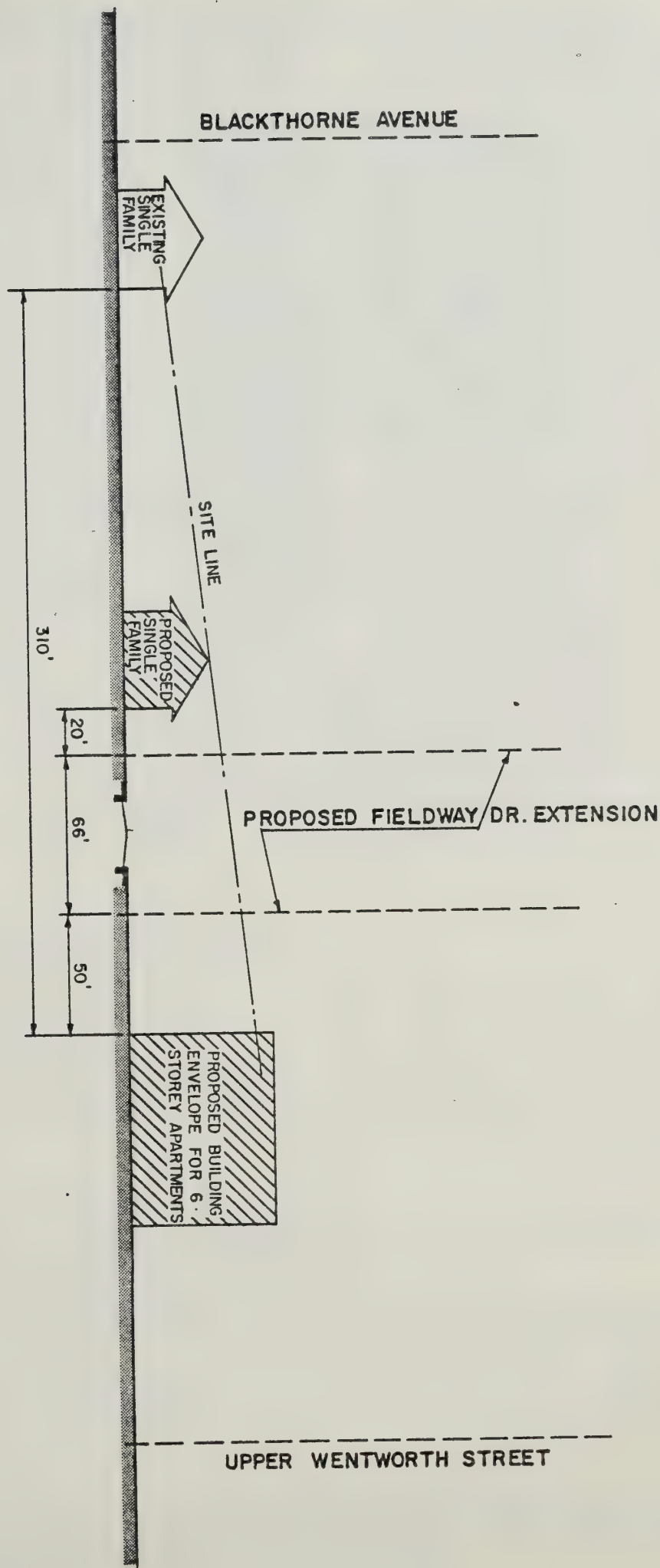
Susan K. Reeder, Secretary
Planning and Development Committee
1988 February 10

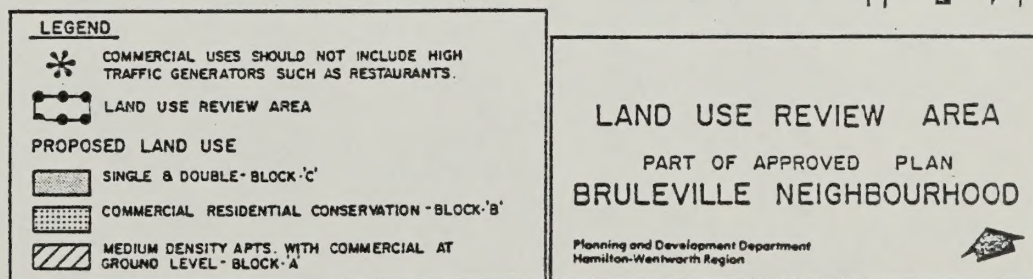
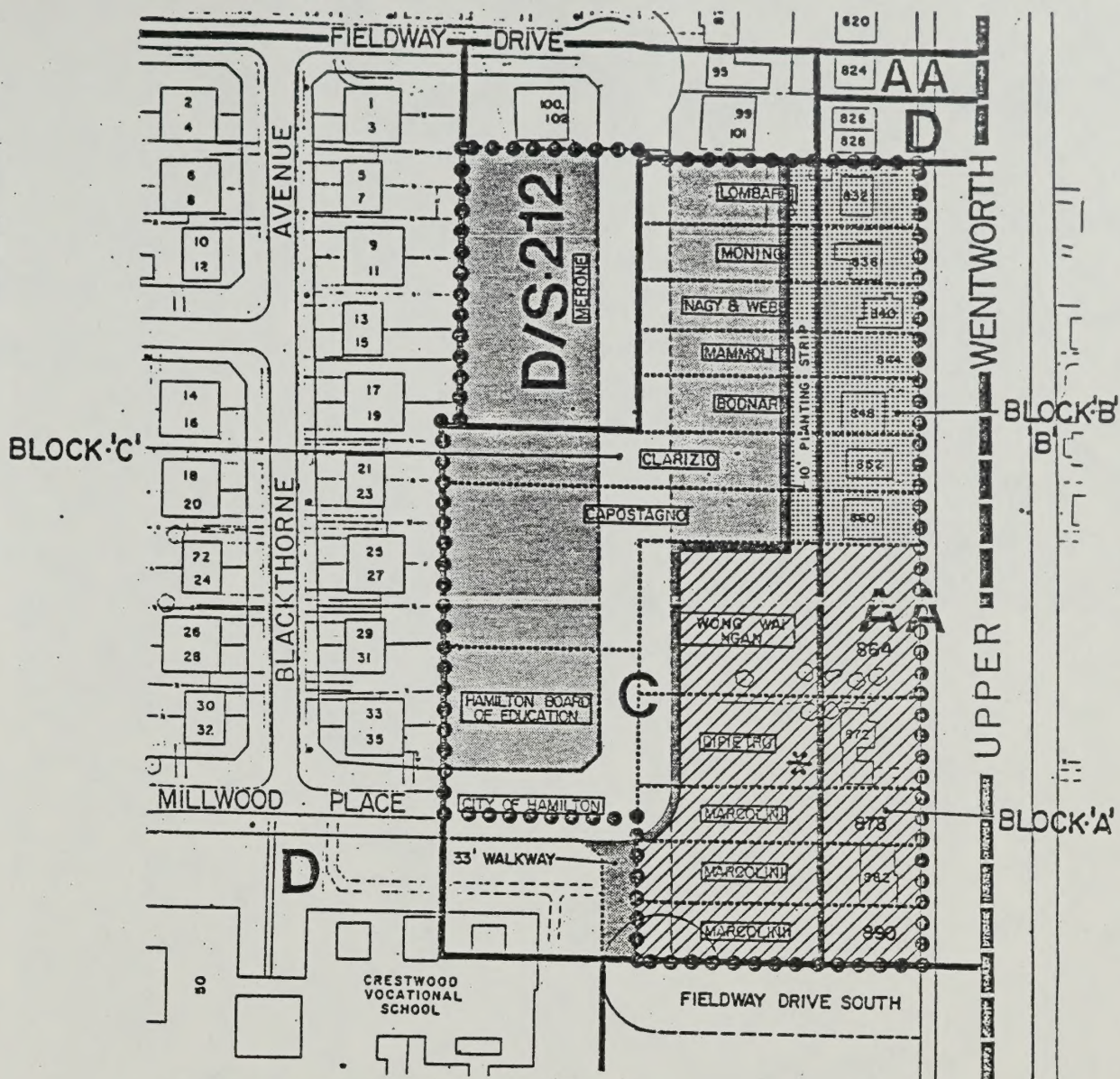
* LOCATIONS OF PETITION - 43 SIGNATURES

- | | | |
|----|--------------------------------|--------------------------------|
| 3 | Mr. & Mrs. W. Green | 7 Blackthorne Avenue |
| 4 | Mr. G. Meek | 11 Blackthorne Avenue |
| 5 | Mr. & Mrs. A. Arney | 13 Blackthorne Avenue |
| 6 | Mr. L. Mackelvie | 15 Blackthorne Avenue |
| 7 | Mr. R. Kirkland | 31 Blackthorne Avenue |
| 8 | Mr. R. Clark | 6 Carrington Court |
| | Mrs. F. Clark | 6 Carrington Court |
| 9 | Mr. W. Harris | 8 Carrington Court |
| | Mrs. M. Harris | 8 Carrington Court |
| 10 | Mr. R. Graf | 10 Carrington Court |
| | Mr. & Mrs. W. Graf | 10 Carrington Court |
| 11 | Mr. & Mrs. C. Pace | 57 Fieldway Drive |
| 12 | Mr. & Mrs. R. Long | 81 Fieldway Drive |
| 13 | Mr. & Mrs. A. Hawkins | 102 Fieldway Drive |
| 14 | Mr. B. Knight | 22 Lynford Drive |
| 15 | Mrs. D. Long | 77 Fieldway Drive |
| 16 | Mr. and Mrs. J. Pawluk | 73 Fieldway Drive |
| 17 | Mr. A. Lombardi | 832 Upper Wentworth Street |
| 17 | Mr. L. Moning | 836 Upper Wentworth Street |
| 17 | Mr. A. Webb | 840 Upper Wentworth Street |
| 17 | Mr. L. Mommoliti | 844 Upper Wentworth Street |
| 17 | Mr. B. Bodnar | 848 Upper Wentworth Street |
| 17 | Mr. S. Merone | 106 Fieldway Drive |
| 18 | Mr. J. Pelech on behalf of | 864 Upper Wentworth Street and |
| 18 | Mr. Ng and Mr. Peddle | 872 Upper Wentworth Street |
| 19 | Mr. G. Stout | 878 Upper Wentworth Street |
| 19 | on behalf of | 882 Upper Wentworth Street |
| 19 | Barriview Developments Limited | 890 Upper Wentworth Street |

CROSS SECTION

SCALE 1" = 60'





BLOCK A

- To be developed as one site
- Commercial to be neighbourhood oriented (no high commercial uses or high traffic generators)
- No vehicular access to be permitted to the west
- Commercial uses to be no more than one sixth of residential uses
- Maximum height of buildings to be six storeys or 60 feet whichever is less
- Rear yard set back to be 50 feet minimum including 10 feet of buffer landscaping

BLOCK B

- Up to 1,000 square feet of professional offices or commercial uses generating similar traffic volumes permitted in existing residences or infill residences of similar character

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